



## SOUTH DAKOTA COMMISSION ON GAMING

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

### NOTICE OF ADMINISTRATIVE HEARINGS, PUBLIC HEARING TO ADOPT RULES AND QUARTERLY BUSINESS MEETING

Notice is hereby given that the South Dakota Commission on Gaming will hold its quarterly business meeting, Public Hearing to adopt rules and administrative hearings on June 22, 2022, in the City Commission Chambers of Deadwood City Hall, 102 Sherman Street, Deadwood, South Dakota beginning at 9:00 AM MDT.

Join Zoom Meeting

<https://state-sd.zoom.us/j/91635502270?pwd=Qko2Wml3RnpOUytpekFJaVhBb01wQT09>

Meeting ID: 916 3550 2270

Passcode: 443605

Or Dial in

+1 669 900 9128

When prompted enter the Participation ID: 916 3550 2270

When prompted enter the passcode: 443605

When prompted state your name followed by the #

All participants will be muted when joining the meeting.

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

### AGENDA

Call to Order

Conflicts of Interest Disclosure

### RULES TO BE ADOPTED AND AMENDED

#### RACING RULES:

- |  |                    |
|--|--------------------|
| 1) 20:04:27:12 Penalty for use of illegal substances   | <b>Page 4</b>      |
| 2) 20:04:27:14 Restrictions on use of authorized drugs | <b>Pages 5 - 6</b> |
| 3) 20:04:27:17 Penalties for violations                | <b>Pages 7 - 8</b> |

## GAMING RULES:

- 1) 20:18:06:13 Licensees contact information **Page 9**
- 2) 20:18:12.01:01 Gaming by licensees **Page 10**
- 3) 20:18:12.01:19 Transferred to Section § 20:18:29:13.01 **Page 11**
- 4) 20:18:12.01:23 Age of participants **Page 12**
- 5) 20:18:12.01:24 Patron protection information **Page 13**
- 6) 20:18:12.01:25 Integrity monitoring -- Personnel and notification **Page 14**
- 7) 20:18:12.01:26 Self-exclusion plan **Page 15**
- 8) 20:18:16:15.23 Variations of the play -- Dakota Duel Draw **Pages 16 – 18**
- 9) 20:18:29:03 Areas requiring surveillance during hours of operation **Page 19 – 20**
- 10) 20:18:29:04 Additional surveillance of cashier's cage; slot areas, and count rooms **Page 21**
- 11) 20:18:29:05 Slot machines with award capabilities of \$12,000 or greater **Page 22**
- 12) 20:18:29:08 Securing and retaining recorded video images **Page 23**
- 13) 20:18:29:13.01 Manned surveillance rooms **Page 24**
- 14) 20:18:35:01(14) Parlay definition **Pages 25 - 27**

## ADMINISTRATIVE HEARINGS

- 1) Petition for Declaratory Ruling per §1-26-15 building designation for gaming purpose  
Blue Sky Gaming, Inc. dba Cadillac Jack's SDCG License # 0199-OP  
**Page 28**
- 2) South Dakota Commission on Gaming vs. DHIH, LLC DBA as Hickok's, SDCG License # 11965-RT  
Complaint# 22-02-020-BS  
**Pages 29 - 35**
- 3) In the matter of request by Rick Burluson to remove his name from the List of Excluded Persons  
**Pages 36 – 45**

## QUARTERLY BUSINESS MEETING

- Adoption of Quarterly Business Meeting Agenda **Pages 1 - 3**
- Approval of the minutes of the March 23, 2022 Quarterly Meeting **Pages 46 - 56**
- Old Business
- Election of Chair and Vice Chair for Fiscal Year 2023
- Remarks by Executive Secretary
- Remarks Department of Revenue Secretary Mike Houdyshell
- Stipulation and Assurance of Voluntary Compliance SDCG Complaint #22-02-024-BS  
Ernest Hospitality dba Deadwood Gulch Resort SDCG License #12042-OP **Pages 57 - 67**
- Remarks by Representative of Gaming Laboratories International
- Steven May, Client Solutions Executive
- Approval of GLI contract for Device Testing and Consulting Services **Pages 68 – 73**

Approval of new sports wagering event and wager types **Pages 74 - 91**

Live Racing Matters **Pages 92 - 131**

- 1) Approval of Verendrye Benevolent Association Condition Book **Pages 92 – 103**
- 2) Approval of allocations for purse supplements and racing operations **Page 104 - 112**
- 3) Approval of Jockey Bonus **Page 113**
- 4) Approval of required Track bond and insurance **Page 114**
- 5) Approval of Verendrye Benevolent Association horse racing officials **Pages 115 - 116**
- 6) Approval of Commission horse racing officials **Pages 117 - 118**
- 7) Approval of horse racing contracts:
  - a) Cooper Animal Clinic **Pages 119 - 124**
  - b) Center for Tox Services **Pages 125 - 130**
  - c) Stanley County Sheriff **Page 131**

Deadwood Licensing Matters **Page 132 - 173**

Date of Next Meeting

- September 21, 2022

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

Decision on Administrative Hearings

Public Comment

Adjournment

SUSAN CHRISTIAN, CIA  
Executive Secretary

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

**20:04:27:12. Penalty for use of illegal substances.** If the analysis made by any chemist, who is approved by the commission, of a urine, saliva, or blood specimen taken under the supervision of the commission veterinarian from a horse entered in a race indicates the presence of a drug, chemical, medicine, analgesic, or injectable, which is not specifically authorized by these rules or is detected at a threshold in excess of the thresholds stated in Association of Racing Commissioners International Controlled Therapeutic Medication Schedule for Horses ~~Version 3.2 dated December 9, 2016~~ 4.2.1 dated December, 2020, the following penalties may apply:

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

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

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

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

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

**Reference:** Association of Racing Commissioners International Controlled Therapeutic Medication Schedule for Horses ~~Version 3.2 dated December 9, 2016~~ 4.2.1 dated December, 2020. Copies may be obtained from the Association of Racing Commissioners International web site at [www.arci.com](http://www.arci.com) free of charge.



**20:04:27:14. Restrictions on use of authorized drugs.** Therapeutic medications authorized by the Association of Racing Commissioners International Controlled Therapeutic Medication Schedule for Horses Version ~~3.2 dated December 9, 2016~~ 4.2.1 dated December, 2020, may administered to horses in accordance with the following restrictions:

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

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

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

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

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

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

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

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

**Source:** 4 SDR 85, effective June 15, 1978; 5 SDR 87, effective April 15, 1979; 6 SDR 77, effective February 3, 1980; transferred from § 20:04:05:37, 9 SDR 122, effective March 31, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 16 SDR 129, effective February 4, 1990; 17 SDR 113, effective February 5, 1991; 21 SDR 98, effective November 30, 1994; 37 SDR 70, effective October 20, 2010; 43 SDR 150, effective June 1, 2017.

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

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

**Reference:** Association of Racing Commissioners International Controlled Therapeutic Medication Schedule for Horses Version ~~3.2 dated December 9, 2016~~ 4.2.1 dated December, 2020.

Copies may be obtained from the Association of Racing Commissioners International web site at [www.arci.com](http://www.arci.com) free of charge.

**20:04:27:17. Penalties for violations.** When imposing a penalty for a violation of any rules pertaining to medication or drugs in a horse, the stewards and the commission shall follow the penalty guidelines established in the Association of Racing Commissioners International Uniform Classification Guidelines Version ~~13.00 dated December 9, 2016~~ 14.4 dated December, 2020, which is incorporated by reference.

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

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

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

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

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

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

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

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

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

**Source:** 43 SDR 150, effective June 1, 2017.

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

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

**Reference:** Association of Racing Commissioners International Uniform Classification Guidelines Version ~~13.00 dated December 9, 2016~~ 14.4 dated December, 2020. Copies may be obtained from the Association of Racing Commissioners International web site at [www.arci.com](http://www.arci.com) free of charge.

**20:18:06:13. Licensees contact information.** All licensees shall keep the Commission updated of their contact information including the licensee's mailing address and phone number.

**Source:**

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

**Law Implemented:** 42-7B-19, 42-7B-21.

**20:18:12.01:01. Gaming by licensees.** A person who is licensed as a key employee, operator, sports wagering services provider, or retailer may not play or be permitted to play or place a wager, except as a dealer, in any game in the licensed establishment where the person is employed or in which the person owns an interest except as permitted by this section. A support licensee or an individual who is an owner of a retail or operator license and is licensed as a key employee may play in a poker game but must wear an identification badge furnished by the commission.

No licensee employed by a manufacturer, distributor, or an associated equipment manufacturer or distributor licensed under SDCL chapter 42-7B may play any device operating on a slot management system that the manufacturer sells or leases or play any device that the manufacturer sells or leases.

No licensee employed by a sports wagering services provider under SDCL chapter 42-7B may play any device or program that the sports wagering services provider sells, leases or operates in South Dakota.

**Source:** 16 SDR 57, effective October 1, 1989; 16 SDR 233, effective July 1, 1990; 18 SDR 9, effective July 23, 1991; transferred from § 20:18:21:03, 21 SDR 98, effective November 30, 1994; 22 SDR 189, effective July 11, 1996; 41 SDR 7, effective July 29, 2014; 47 SDR 137, effective June 28, 2021.

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

**Law Implemented:** SDCL 42-7B-2.1, 42-7B-7, 42-7B-11(13).

~~20:18:12.01:19. Manned surveillance rooms. Any licensee that operates house-banked table games with a bet limit in excess of \$500 must have a manned surveillance room operating when house-banked table games are open for play. Transferred to Section § 20:18:29:13.01~~

~~Source: 41 SDR 218, effective July 1, 2015.~~

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

~~Law Implemented: SDCL 42-7B-1, 42-7B-7, 42-7B-11(13).~~

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

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

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

**Law Implemented:** SDCL 42-7B-35., 42-7B-11(13).



**20:18:12.01:24 Patron protection information.** A licensee shall provide patron protection information to individuals and patrons on demand. The patron protection information must include:

(1) Information about potential risks associated with excessive wagering, and contract information for an organization based in South Dakota or the United States, approved by the commission, dedicated to helping people with potential gambling problems;

(2) Notification that underage gambling is a criminal offense and that anyone who facilitates an individual under the age of 21 to place a sports bet has committed a criminal offense and must be prohibited from gambling;

(3) A list of the available patron protection measures that can be invoked by the patron, such as self-exclusion and information on how to invoke those measures;

(4) For patron accounts, mechanisms in place for patrons to detect unauthorized use;

(5) Information on how disputes can be filed with the licensee pursuant to § 20:18:12.01:07;  
and

(6) The method for filing with the commission an unresolved dispute after all reasonable means to resolve the dispute with the licensee have been exhausted, pursuant to § 20:18:12.01:07.

**Source:**

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

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

**20:18:12:01:25 Integrity monitoring -- Personnel and notification.** A licensee must employ or retain persons responsible for ensuring the operation and integrity of gaming and reviewing all reports of suspicious behavior. Unless otherwise directed by the commission, a licensee must promptly notify the commission upon detecting or becoming aware of any of the following:

(1) Any person participating in gaming who is engaging in or attempting to engage in, or who is reasonably suspected of, cheating, theft, embezzlement, collusion, use of funds derived from illegal activity, money laundering, or any other illegal activities;

(2) Any person who is reasonably suspected of misrepresenting their identity or using false identification to establish or attempt to establish a patron account;

(3) Suspected criminal activity related to any aspect of gaming;

(4) Any criminal or disciplinary proceedings commenced against the licensee in connection with its sports wagering operations; or

(5) Any wager that violates any applicable state or federal law.

A licensee must promptly notify any affected licensees of any issues impacting the integrity of gaming.

**Source:**

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

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

**20:18:12:01:26. Self-exclusion plan.** A licensee conducting gaming shall develop a self-exclusion plan or voluntary exclusion plan to prevent any person, who informs the licensee of that person's desire to participate in a self-exclusion or voluntary exclusion program, from participating in gaming. This plan must be submitted to the executive secretary for review and approval. The plan must include monthly reporting of voluntarily excluded persons.

**Source:**

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

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

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

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

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

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

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

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

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

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

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

(9) After each player has decided to play or fold, the dealer shall expose the six community cards in two sets of three cards, and call out and show the best possible five-card hand that the

players have for the hand 1 play, the hand 2 ante, and the big 8. Once the dealer has determined the players hand ranking for each wager remaining, the dealer will pay or take the bet or bets according to hand ranking for each wager. If the two cards dealt to the player are a pair, the player will receive a bonus according to the pocket pair bonus. This bonus will be paid only if the player plays the hand 1 play. The pocket pair bonus is paid according to the amount played on hand 1. The pocket pair bonus is paid regardless of whether the player loses any of the other wagers;

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

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

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

Pair	Paytable 1	Paytable 2	Paytable 3	Paytable 4	Paytable 5	Paytable <u>6</u>
AA	4x	4x	4x	20x	20x	
KK	4x	4x	4x	10x	10x	
QQ	4s	4x	4x	8x	4x	
JJ	4x	4x	4x	3x	4x	
1010	4x	4x	3x	3x	4x	
99	4x	4x	3x	3x	4x	
88	4x	4x	3x	N/A	N/A	
77	4x	3x	3x	N/A	N/A	
66	4x	3x	3x	N/A	N/A	
55	4x	3x	3x	N/A	N/A	
44	3x	3x	3x	N/A	N/A	
33	3x	3x	3x	N/A	N/A	
22	3x	3x	3x	N/A	N/A	

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

Hand	Paytable 1	Paytable 2	Paytable 3	Paytable 4	Paytable 5	Paytable <u>6</u>	Paytable <u>7</u>
Royal Flush	50 to 1	50 to 1	50 to 1	50 to 1	80 to 1		

Straight Flush	30 to 1	30 to 1	30 to 1	35 to 1	40 to 1		
4 of a Kind	15 to 1	20 to 1	20 to 1	30 to 1	30 to 1		
Full House	5 to 1	5 to 1	6 to 1	4 to 1	4 to 1		
Flush	3 to 1	4 to 1	3 to 1	3 to 1	3 to 1		
Straight	2 to 1	1 to 1	1 to 1	2 to 1	2 to 1		

**Source:** 47 SDR 109, effective April 26, 2021; 48 SDR 61, effective December 8, 2021.

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

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

**20:18:29:03. Areas requiring surveillance during hours of operation.** The surveillance system must monitor and record clear, unobstructed, and overall views of the following areas and meeting the specified performance requirements within the licensed premises during the hours of operation:

(1) Blackjack and poker areas, equipped with a pan, tilt, and zoom camera capable of observing players and employees;

(2) Blackjack and poker tables, equipped with one still camera for each table capable of observing card table surfaces, including table bank trays;

(3) Table numbers;

(4) Players, dealers, spectators, and pit personnel with sufficient clarity to permit identification;

(5) Cashier's cages, including customers at the cage window, employee's window, cash drawers, vaults, safes, counters, chip storage, and fill window of the cashier's cage. The table game fill window of the cashier's cage and poker podium must be recorded in color. Each cash transaction occurring within the cage must be recorded with sufficient clarity to permit identification of currency, coins, tokens, fill slips, and other related paperwork;

(6) Areas within a count room, including walls, doors, scales, wrapping machines, coin sorters, stored drop boxes, vaults, safes, general work areas, and entrances to the room. Recording in the soft count rooms must include audio;

(7) Poker podium, each transaction occurring at the poker podium must be recorded with sufficient clarity to permit identification of currency, coins, tokens, fill slips, and other related paperwork;

(8) If the license allows bets in excess of \$100 on blackjack or house banked poker games, the licensee must provide fixed cameras that are capable of observing such gaming areas with sufficient clarity to permit identification of players, dealers, spectators, and pit personnel;

(9) Craps tables must be equipped with a stationary color camera positioned to provide an overview of the entire table, to view the rails which hold any chips, the table trays, drop slots, and tip boxes. Two PTZ cameras are required for every craps table. All PTZ cameras must be color cameras and be able to determine the value of any and all wagers made;

(10) Roulette tables must be equipped with a stationary color camera positioned to provide an overview of the entire table, to view the rails which hold any chips, the table trays, drop slots, and tip boxes. The camera coverage must also cover the wheel, and be able to determine the outcome of the game. One PTZ camera is required for every roulette table. The PTZ camera must be color cameras and be able to determine the value of all wagers;

(11) Live sports wagering windows, including customers at the window and cash drawers used to place or redeem tickets or vouchers from wagering on sporting events;

(12) Kiosks used to redeem slot machine payout tickets, including a view capable of identifying the customer using the kiosk; ~~and~~

(13) Kiosks used for placing wagers or redeeming tickets or vouchers from slot machines or wagering on sporting events, including a view capable of identifying the customer using the kiosk; and

(15) A licensee must install a closed-circuit system to surveil cashier cages, slot areas, and each slot machine which has an award of \$12,000 or greater. The system must continuously record a clear, unobstructed view of the lights, handle, and play buttons of the device as well as the patrons. The video shall be clear enough to assist in determining game outcome.

**Source:** 19 SDR 195, effective June 21, 1993; 22 SDR 95, effective January 18, 1996; 35 SDR 184, effective February 2, 2009; 38 SDR 213, effective June 18, 2012; 41 SDR 218, effective July 1, 2015; 47 SDR 137, effective June 28, 2021.

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

**Law Implemented:** SDCL ~~42-7B-1~~, ~~42-7B-7~~, 42-7B-11(2)(13), 42-7B-17.



**20:18:29:04. Additional surveillance of cashier's cages, slot areas, and count rooms.** In addition to the requirements of § 20:18:29:03, cashier's cages, slot areas with slot machines with an award of \$12,000 or greater as required by § 20:18:29:05, and count rooms must be recorded at all times. Transferred to Section §24:18:29:03.

~~**Source:** 19 SDR 195, effective June 21, 1993; 20 SDR 113, effective January 23, 1994; 23 SDR 227, effective July 1, 1997; 44 SDR 151, effective April 30, 2018.~~

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

~~**Law Implemented:** SDCL 42-7B-7, 42-7B-11(2), 42-7B-17.~~

**20:18:29:05. Slot machines with award capability of \$12,000 or greater.** A licensee must install a closed-circuit system to surveil each slot machine that has an award of \$12,000 or greater. The system must continuously record with a clear, unobstructed view of the lights, handle, play buttons of the device, and patrons. Transferred to Section § 20:18:29:03.

**Source:** ~~19 SDR 195, effective June 21, 1993; 34 SDR 200, effective January 29, 2008; 40 SDR 101, effective December 2, 2013; 43 SDR 131, effective April 17, 2017.~~

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

~~— **Law Implemented:** SDCL 42-7B-7, 42-7B-11(2)(11)(13), 42-7B-17.~~

**20:18:29:08. Securing and retaining recorded video images.** A licensee must retain in a secure manner all recorded video images for a period of fourteen days. The fourteen-day retention requirement is effective immediately for any licensed premises allowing bets in excess of one hundred dollars. ~~All other licensed premises must retain video images for a period of seven days and comply with the fourteen-day retention requirement effective July 1, 2013.~~ The executive secretary or the commission may require the video images to be kept for a longer time. The licensee must retain a video image in which there are suspected unusual or irregular activities or in which activities appear to violate any criminal statute of this state, the United States, or SDCL chapter 42-7B or the rules promulgated under it and must notify the executive director immediately. All closed-circuit images which are determined by the executive secretary, the commission, or its agent to be of potential evidentiary value must be secured and retained until the commission has given the licensee written notice that the images need not be retained.

**Source:** 19 SDR 195, effective June 21, 1993; 35 SDR 184, effective February 2, 2009; 38 SDR 213, effective June 18, 2012.

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

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

**20:18:12.01:19 20:18:29:13.01 Manned surveillance rooms.** Any licensee that operates house banked table games with a bet limit in excess of \$500 must have a manned surveillance room operating when the house banked table games are open for play.

**Source:** 19 SDR 195, effective June 21, 1993; 22 SDR 95, effective January 18, 1996; 41 SDR 218, effective July 1, 2015; transferred from Section §20:18:12.01:19.

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

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

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

(1) “Card” means the list of sporting events from which a patron can make selections for a given pool;

(2) “Collegiate sporting event” means an athletic competition or event between two or more colleges or universities;

(3) “Event category” means a specific type of event governed by a specific sports governing body or other oversight body;

(4) “Event integrity monitoring” means the monitoring of sports wagering to identify unusual or suspicious wagering activities from a match-fixing and sporting corruption standpoint and then reporting such activities to required parties;

(5) “Exchange wagering” means a form of wagering in which two or more persons place identically opposing wagers in a given market, allowing patrons to wager on both winning and nonwinning outcomes in the same event;

(6) “In-game wagering” means placing a sports bet after a sporting event has started;

(7) “Independent integrity monitoring provider” means an independent person who is registered with the commission and who receives reports of unusual wagering activity from the commission, a licensee, or a sports wagering services provider for the purpose of assisting in identifying suspicious wagering activity;

(8) “International sporting event” means an international team or individual sporting event governed by an international sports federation or sport’s governing body, including sporting events governed by the International Olympic Committee and the International Federation of Association Football;

(9) “Internet” means the international computer network of interoperable packet-switched data networks;

(10) “Involuntarily excluded person” means any individual who has been involuntarily excluded by the executive secretary or the commission and who is prohibited from establishing a wagering account or participating in gambling, gaming or wagering activities under the jurisdiction of the commission;

(11) “Layoff wager” means a wager placed by a sports wagering operation with another sports operation for the purpose of offsetting patron wagers;

(12) “Minor league sporting event” means a sporting event conducted by a sports league that has not been classified by the commission as a premier league in the sport;

(13) “Mobile application” means an application on a mobile phone or other devices through which an individual is able to place a sports bet;

(14) “Parlay bet” means a single sports bet that incorporates two or more individual bets for purposes of earning a higher payout if each bet wins, or a combination wager of multiple parlay bets for purposes of not necessarily winning all legs of the parlay to get a pay out;

(15) “Patron” means a person who places a sports bet;

(16) “Person” means an individual, partnership, corporation, association, limited liability company, or other legal entity;

(17) “Personal identifying information” means any sensitive information that could potentially be used to identify a particular patron;

(18) “Pool” means an offering where patrons may make selections of outcomes on a set number of sporting events on a card in order to enter for a chance to win all or a portion of the prize pool;

(19) “Prize pool” means the prizing available for an individual tournament, contest, or pool;

(20) “Professional sporting event” means a sporting event, other than a minor league sporting event, in which two or more persons participate and receive remuneration in excess of their

out-of-pocket expenses for participating in the event;

(21) "Prohibited person" means any person who:

(A) Has been placed on the list of excluded persons pursuant to SDCL 42-7B-61;

(B) Is under the age of 21;

(C) Is an employee of, or appointee to, the South Dakota Gaming Commission;

(D) Is wagering while not in the permitted boundary pursuant to SDCL 42-7B-79;

(E) Is wagering on behalf of another;

(F) Is wagering in violation of SDCL 42-7B-83;

(G) Is wagering in violation of state, local, or federal law;

(H) Is employing a wagering account in a suspended mode; or

(I) Is determined by the Commission to be prohibited from wagering through a contested case;

(22) "Rake" means the fee that is deducted by a licensee or sports wagering services provider from a wager made for exchange wagering, or entry fees paid by patrons who participate in a tournament, contest, or pool;

(23) "Rake adjustment" means an adjustment made by the licensee or sports wagering services provider to account for any shortfall in connection with a tournament, contest, or pool;

(24) "Sensitive information" means information such as transactional wagering data, authentication credentials, secure seeds and keys, and other data that must be handled in a secure manner;

(25) "Shared liquidity pool" means a tournament, contest, or pool conducted in South Dakota and at least one other jurisdiction;

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

(27) "Sporting event official" means any official as recognized by the respective sports governing body;

(28) "Sports bet" means an amount placed as a wager on the results of a sporting event, a contingency during a sporting event, or the performance or nonperformance of an athlete or competitor during a sporting event;

(29) "Sports governing body" means an organization that prescribes final rules and enforces codes of conduct for a sporting event and the athletes or competitors in the sporting event;

(30) "Sports wagering" means the acceptance of a wager on an authorized sporting event by any system of wagering authorized by the commission;

(31) "Sports wagering area" means the designated location in a gaming establishment approved by the commission, in which sports wagering may be conducted;

(32) "Sports wagering kiosk" means an automated device used by patrons to make wagers on sporting events, obtain wagering information, process sports wagering tickets and sports wagering vouchers, manage wagering accounts, and any other automated functions

(33) "Sports wagering operation" means a licensed operator in conjunction with a licensed sports wagering services provider who offers sports wagering to the public;

(34) "Sports wagering revenue" means the total of all wagers placed by patrons with a licensee, excluding free wagers and promotional play, minus all payments to patrons;

(35) "Sports wagering services provider" means a person who maintains or operates the software or hardware of a sports wagering system or facilitates wagering on a sporting event by providing a service defined in SDCL subdivision 42-7B-4(43);

(36) "Sports wagering system" means the hardware, software, firmware, communications technology, other equipment, as well as operator procedures implemented in order to allow patron participation in sports wagering, and, if supported, the corresponding equipment related to the

display of the wager outcomes, and other similar information necessary to facilitate patron participation;

(37) "Sports wagering ticket" means a printed document or other electronic record that contains information pertaining to a sports bet;

(38) "Sports wagering voucher" means a printed record, or digital representation thereof, issued by a sports wagering system that may be used to fund a sports bet or may be redeemable for cash;

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

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

(41) "Voluntarily-excluded person" means any individual whose name is included, at the individual's request, on a self-exclusion list;

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

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

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

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

Example: (3) "Event Category": Professional Hockey governed by the National Hockey League

**PETITION FOR DECLARATORY RULING**

**TO: STATE OF SOUTH DAKOTA, SOUTH DAKOTA COMMISSION ON GAMING**

Pursuant to the provisions of SDCL 1-26-15 and ARSD 20:18:04:01, Blue Sky Gaming, Inc., a South Dakota corporation, by and through its counsel, Roger A. Tellinghuisen hereby petitions the South Dakota Commission on Gaming for its declaratory ruling in regard to the following:

**1. THE STATE STATUTE, SOUTH DAKOTA COMMISSION ON GAMING RULE OR ORDER, OR ORDER OF THE SECRETARY OF THE SOUTH DAKOTA COMMISSION ON GAMING IN QUESTION IS:**

**A) ARSD 20:18:25:05 which addresses alterations of existing buildings.**

**2. THE FACTS AND CIRCUMSTANCES WHICH GIVE RISE TO THE ISSUE TO BE ANSWERED BY THE COMMISSION'S DECLARATORY RULING ARE:**

Petitioner owns and operates the building at 555 Main Street, Deadwood, South Dakota. Below gaming rooms 8 and 9, are two meeting rooms separated by a wall. Petitioner is requesting permission to remove the wall separating the two meeting rooms in order to make one larger meeting room. No gaming will be conducted in this space.

The floor above this space is a poured concrete floor. The wall Petitioner desires to remove is not a support wall. This situation is virtually identical to the situation up the street at Cadillac Jacks where the lower level is a parking lot with gaming rooms above it.

**3. THE PRECISE ISSUE TO BE ANSWERED BY THE COMMISSION'S DECLARATORY RULING IS:**

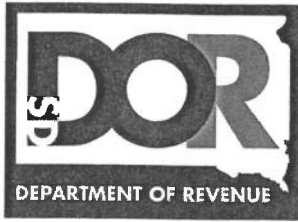
**A) Whether the wall between the two rooms beneath gaming rooms 8 and 9 can be removed.**

Dated this 10<sup>th</sup> day of May, 2022.

Big Sky Gaming, Inc.

By Roger A. Tellinghuisen  
Its Counsel





## SOUTH DAKOTA COMMISSION ON GAMING

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

### NOTICE OF HEARING

Notice is hereby given that an administrative hearing will be held before the South Dakota Commission on Gaming on Wednesday, June 22, 2022, at 9:00 o'clock a.m. MDT in the City Commission Chambers in the Deadwood City Hall, 102 Sherman Street, Deadwood, South Dakota.

The purpose of this hearing is to take action on Initial Complaint SDCG# 22-02-020-BS which alleges grounds for disciplinary action as a result of on January 30, 2022, Hickok Casino allowed patrons to place sports wagers with other patrons at the Hickok Casino while in the bar area. Hickok Casino does not have approved sports wagering therefore the bets were in violation of SDCL 22-25-1.

The following statute(s), among others, may be considered by the commission during the hearing: SDCL 22-25-1 and ARSD 20:18:19:01

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

The matter to be asserted is that on January 30, 2022, Timothy J. Conrad made four bets on the outcome of plays and the final result of the San Francisco 49ers and Los Angeles Rams game, with other patrons at the Hickok Casino while in the bar area. Hickok Casino does not have approved sports wagering therefore the bets were in violation of SDCL 22-25-1. These actions were confirmed by video surveillance and Timothy Conrad's statements to SDCG Agent Swets.

As a result of this hearing the Commission may revoke or suspend all gaming licenses held by you and/or impose a monetary penalty not to exceed \$25,000 for each violation.

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

If the amount in controversy exceeds Two Thousand Five Hundred dollars (\$2,500.00) or if a property right may be terminated any party may require the Commission to use the South

Dakota Office of Hearing Examiners by giving notice to the Commission no later than 10 days after service of this Notice of Hearing, which is issued pursuant to SDCL 1-26-17.

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

Dated the 9<sup>th</sup> day of November, 2021



Susan Christian, CIA

Executive Secretary

South Dakota Commission on Gaming

445 E. Capital Avenue

Pierre, SD, 57501

#### CERTIFICATE OF SERVICE

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

Becky Soucek, Registered Agent

PO Box 1080

Yankton, SD 57078

By USPS Certified Mail with postage prepaid on the 31<sup>st</sup> day of March 2022



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

March 4, 2022

DHIH, LLC DBA as Hickok's  
Becky Soucek  
PO Box 1080  
Yankton, SD 57078

RE: South Dakota Commission on Gaming vs. DHIH, LLC DBA as Hickok's, SDCG license  
# 11965-RT, complaint # 22-02-020-BS

Dear DHIH,

This is to inform you that a complaint has been filed against you by Brian Swets, an Enforcement Agent with the South Dakota Commission on Gaming. The complaint alleges that on January 30, 2022, licensee allowed Tim Conrad to place and accept wagers on the San Francisco 49ers and Los Angeles Rams game. DHIH does not have a sports wagering license

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mark Heltzel', is written over a blue horizontal line.

Mark Heltzel  
Deputy Executive Secretary

Telephone: (605) 578-3074  
Email: [mark.heltzel@state.sd.us](mailto:mark.heltzel@state.sd.us)

CC: Susan Christian by email  
Mike Shaw by email  
Nick Moser by email



**SOUTH DAKOTA COMMISSION ON GAMING**

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

South Dakota Commission	)	
on Gaming	)	
	)	
<i>Plaintiff,</i>	)	Initial Complaint Filed
	)	Pursuant to
Vs.	)	ARSD 20:18:10:01
	)	
DHIH, LLC DBA as Hickok's	)	
SDCG Lic. #11965-RT	)	Complaint # 22-02-020-BS
	)	
	)	
<i>Defendant.</i>	)	

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

On January 30, 2022, Timothy J. Conrad made four bets on the outcome of plays and the final result of the San Francisco 49ers and Los Angeles Rams game, with other patrons at the Hickock Casino while in the bar area. Hickock Casino does not have approved sports wagering therefore the bets were in violation of SDCL 22-25-1. These actions were confirmed by video surveillance and Timothy Conrad's statements to SDCG Agent Swets.

**22-25-1. Gambling defined--Keeping gambling establishment--Letting building for gambling—Violation as misdemeanor.**

Any person who places or accepts a wager on a sporting event or engages in gambling in any form with cards, dice, or other implements or devices of any kind wherein anything valuable is wagered upon the outcome, or who keeps any establishment, place, equipment, or apparatus for such gambling or any agents or employees for such purpose, or any person who knowingly lets any establishment, structure, place, equipment, or apparatus for such gambling is guilty of a Class 2 misdemeanor.

This section does not apply to any gaming within a licensed gaming establishment in the city of Deadwood which is conducted by an operator or route operator that is licensed pursuant to chapter 42-7B.

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

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

**Source:** 16 SDR 57, effective October 1, 1989; 16 SDR 233, effective July 1, 1990; 19 SDR 21, effective August 20, 1992; 19 SDR 177, effective May 27, 1993; 21 SDR 98, effective November 30, 1994; 22 SDR 95, effective January 18, 1996; 25 SDR 95, effective January 20, 1999.

**General Authority:** SDCL [42-7B-7](#), [42-7B-11\(13\)](#).

**Law Implemented:** SDCL [42-7B-3](#), [42-7B-7](#), [42-7B-11](#), [42-7B-15](#), [42-7B-17](#), [42-7B-18](#), [42-7B-32](#), [42-7B-40](#).

**Cross-References:** State Historical Society Rules, ch 24:52; Premise monitoring required, § 20:18:12.01:16.

**Note:** A copy of the historic preservation plans, standards, and procedures of the city of Deadwood may be obtained from the Planning and Preservation Office, City of Deadwood, Deadwood, SD 57732.

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

The following witnesses could give testimony about the complaint:

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

Roxanne Knight  
SDCG Lic. # 4775-01-KY

Randolph Markley  
Deadwood, SD

William Etherington  
SDCG Lic. # 11155-19-SP

Keith Abrahamson  
Minneapolis, MN

Unidentified Gambler

**NOTICE TO:**

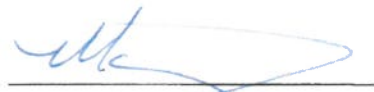
Becky Soucek  
PO Box 1080  
Yankton, SD 57078

(DEFENDANT)

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

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

Dated the 4th day of March 2022



South Dakota Commission on Gaming  
Deputy Executive Secretary  
87 Sherman St  
Deadwood, SD 57732  
(605) 578-3074

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

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

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

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

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





## **SOUTH DAKOTA COMMISSION ON GAMING**

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

### **NOTICE OF HEARING**

Notice is hereby given that an administrative hearing will be held before the South Dakota Commission on Gaming on Wednesday, June 22, 2022, at 9:00 o'clock a.m. in the City Commission Chambers in the Deadwood City Hall, 102 Sherman Street, Deadwood, South Dakota.

The purpose of this hearing is to take action on your request to be removed from the Exclusion List that excludes you from all licensed gaming establishments in Deadwood, South Dakota. The hearing is held under the authority and jurisdiction of SDCL Chapter 1-26, 23A-27-14.2, 42-7B-32 and 42-7B-75.

This hearing is an adversary proceeding and will be conducted as a "contested case" in accordance with SDCL Chapter 1-26 and 42-7B-62. You have the right to be present at the hearing, to be represented by a lawyer, to testify on your own behalf, to call witnesses to testify on your behalf and to question witnesses who testify against you. These and other due process rights will be forfeited if they are not exercised at the hearing.

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

Dated the 6<sup>th</sup> day of June, 2022

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

### **CERTIFICATE OF SERVICE**

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

Rick Burleson  
3612 Park Drive, Number 4  
Rapid City, SD 57702  
By USPS Certified Mail with postage prepaid on the 6<sup>th</sup> day of June 2022.



## Christian, Susan

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**From:** Rick Burleson <rickburleson69@yahoo.com>  
**Sent:** Monday, May 9, 2022 12:04 PM  
**To:** Christian, Susan  
**Subject:** [EXT] Contesting being on the exclusion list

Hello, my name is Rick Burleson, I would like to contest being on the exclusion list for Deadwood from the decision that was made at the end of March! I have been playing in deadwood for 12 years now and have always loved playing there! I've always had the utmost respect for gaming, the dealers, and my fellow players! I ask that gaming would please give me the chance to be able to play in deadwood again!

Thank you for your consideration,  
Rick Burleson

[Sent from Yahoo Mail on Android](#)

# MAY ADAM

— Since 1881 —

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March 30, 2022

TIMOTHY M. ENGEL  
MICHAEL F. SHAW  
BRETT KOENECKE  
JUSTIN L. BELL  
DOUGLAS A. ABRAHAM  
TERRA M. LARSON  
CODY L. HONEYWELL  
CASH E. ANDERSON



OF COUNSEL  
ROBERT B. ANDERSON

WARREN W. MAY 1920-2018  
THOMAS C. ADAM 1935-2019  
BRENT A. WILBUR 1949-2006

TELEPHONE  
605 224-8803 | FAX: 605 224-6289

E-MAIL  
[daa@mavadam.net](mailto:daa@mavadam.net)

Via Certified Mail:

Rick Bureson  
361 Park Drive, #4  
Rapid City, South Dakota 57702

**RE: SD COMMISSION ON GAMING**  
Our file: 0161

Dear Mr. Bureson,

I represent the South Dakota Commission on Gaming. At the March meeting of the South Dakota Commission on Gaming, you were placed on the exclusion list pursuant to the decision of at least three (3) of the members of the South Dakota Commission on Gaming to do so. Please find with this correspondence an Order of Exclusion as well as a Notice of Exclusion. Should you protest placement on the exclusion list, a written protest will be considered a Contested Case Hearing by the Commission pursuant to SDCL Chapter 1-26.

Best regards.

Very truly yours,

MAY, ADAM, GERDES & THOMPSON LLP



DOUGLAS A. ABRAHAM

DAA: lsg  
Enclosures:  
CC: Susan Christian  
Mark Hetzel

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

SOUTH DAKOTA COMMISSION )  
ON GAMING, )  
 )  
Plaintiff, )  
 )  
-vs- )  
 )  
RICK BURLESON )  
3612 PARK DRIVE, NUMBER 4 )  
RAPID CITY, SD 57702 )  
 )  
Defendant. )

**NOTICE OF EXCLUSION**  
**RE: RICK BURLESON**

TO: RICK BURLESON, 3612 Park Drive, Number 4, Rapid City, South Dakota, 57702.

YOU ARE HEREBY NOTIFIED that you are excluded from all licensed gaming establishments in Deadwood, South Dakota, pursuant to SDCL §§ 42-7B-60, 42-7B-61, 42-7B-62, and ARSD Ch. 20:18:08.01. The reason for the exclusion is that you engaged in fraudulent activity in association with a city-wide poker tournament on or about *October 23, 2021*, by being aware of Benjamin Palmer's theft of an Eleven Hundred Dollar (\$1100) poker tournament entry ticket at the Silverado Casino and further assisting Benjamin Palmer after the theft occurred. As such, your character, background and past activity is incompatible with the maintenance of public confidence and trust in the credibility, integrity and stability of gaming and your character, background and past activity could create or enhance a risk of the fact or appearance of unsuitable, unfair or illegal practices, methods or activities in the conduct of gaming.

YOU ARE FURTHER NOTIFIED that pursuant to SDCL § 42-7B-62 you may contest this action by filing a written protest with the South Dakota Commission on Gaming at its office located at 445 East Capitol Avenue, Pierre, South Dakota, 57501. Any such written protest shall be considered as a contested case hearing by the Commission pursuant to SDCL Ch. 1-26.

Dated this 23<sup>rd</sup> day of March, 2022.

SOUTH DAKOTA COMMISSION ON GAMING

BY:   
Karen Wagner, Chairwoman

# Affidavit of Publication

STATE OF SOUTH DAKOTA:  
COUNTY OF LAWRENCE:

Letitia Lister of said County and State being first duly sworn, on her oath says: That the BLACK HILLS PIONEER is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Letitia Lister, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and that I, Letitia Lister, the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

South Dakota Commission  
On Gaming, Plaintiff vs  
Rick Burleson

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive and consecutive weeks, the first publication being made on the 25<sup>th</sup> day of April, 2022, and the last publication on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, that the full amount of fees charged for publishing same, to-wit: The sum of \$ 16.01, insures solely to the benefit of the publisher of the BLACK HILLS PIONEER, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

[Signature]  
Subscribed and sworn to before me this 28<sup>th</sup> day of Apr., 2022

[Signature]  
Notary Public, Lawrence County, South Dakota  
My commission expires: 7-18-2025

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

SOUTH DAKOTA COMMISSION ON GAMING,  
Plaintiff

-vs-

RICK BURLESON  
3612 PARK DRIVE,  
NUMBER 4  
RAPID CITY, SD  
57702  
Defendant.

### ORDER OF EXCLUSION

The South Dakota Commission on Gaming having established an exclusion list pursuant to SDCL Ch. 42-7B and ARSD 20:18:08.01, and the Commission having conducted an informal investigation in Executive Session on March 23, 2022, pursuant to ARSD 20:18:08.01:02 does hereby

ORDER, ADJUDGE AND DECREE that the following individual is to be placed on the exclusion list and is thereby excluded from all licensed gaming establishments in Deadwood, South Dakota.

Rick Burleson  
3612 Park Drive,  
Number 4  
Rapid City, South  
Dakota 57702

Dated this 23rd day of March, 2022.

SOUTH DAKOTA COMMISSION ON GAMING

BY: -s- Karen Wagner  
Karen Wagner,  
Chairwoman

Published once at the total approximate cost of \$16.98.

#340  
Apr 25



## SOUTH DAKOTA COMMISSION ON GAMING

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### **42-7B-60. Exclusion or ejection of certain persons from gaming establishments necessary.**

The Legislature hereby declares that the exclusion or ejection of certain persons from licensed gaming establishments is necessary to carry out the policies of this chapter and to maintain effectively the strict regulation of licensed gaming.

**Source:** SL 1990, ch 343, § 24.

### **42-7B-61. List of persons to be excluded--Entrance in violation as misdemeanor--Penalty for failure to exclude or eject persons on list.**

The commission may, by rules promulgated pursuant to chapter [1-26](#), provide for the establishment of a list of persons who are to be excluded or ejected from any licensed gaming establishment, including any person whose presence in the establishment is determined to pose a threat to the interest of the State of South Dakota or to licensed gaming, or both. In making the determination for exclusion, the commission may consider any of the following:

- (1) Prior conviction of a felony, a misdemeanor involving moral turpitude, or a violation of the gaming laws of any state, the United States, any of its possessions or territories including Indian tribes;
- (2) A violation, attempt to violate or conspiracy to violate the provisions of this chapter relating to the failure to disclose an interest in a gaming establishment for which the person must obtain a license or make disclosures to the commission; or intentional evasion of fees or taxes;
- (3) Notorious or unsavory reputation that would adversely affect public confidence and trust that the gaming industry is free from criminal or corruptive influences; or
- (4) Conduct that would adversely affect public confidence that gaming is conducted honestly.

Any person who has been placed on the list of excluded persons by the commission, after July 1, 2014, who enters a licensed gaming establishment after receiving notice as required by [§ 42-7B-62](#), is guilty of a Class 1 misdemeanor.

The commission may suspend, revoke, or penalize a licensee or licensed gaming establishment as set forth in [§ 42-7B-32](#), after notice and hearing pursuant to chapter [1-26](#), if that establishment or any licensee affiliated with the licensed gaming establishment knowingly fails to exclude or eject from the premises of the licensed establishment any person placed on the list of persons to be excluded.

**Source:** SL 1990, ch 343, § 25; SL 2014, ch 207, § 1



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### **42-7B-62. Notice to excluded person.**

If the name and description of any person is placed on the exclusion list, the commission shall serve notice of that action upon the person by at least one of the following means:

- (1) By personal service;
- (2) By certified or registered mail to the last known address of the person; or
- (3) By publication in an official newspaper in Lawrence County, South Dakota.

A person placed upon the exclusion list may contest that action by filing a written protest with the commission and the protest shall be heard by the commission as a contested case pursuant to chapter [1-26](#).

**Source:** SL 1990, ch 343, § 26; SL 1991, ch 24, § 17.





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**CHAPTER 20:18:08.01**

**EXCLUSION LIST**

Section

- [20:18:08.01:01](#) Preparation of exclusion list.
- [20:18:08.01:02](#) Criteria for exclusion.
- [20:18:08.01:03](#) Distribution of the exclusion list.
- [20:18:08.01:04](#) Content of the information for persons on the exclusion list.

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**20:18:08.01:01. Preparation of exclusion list.** The commission may prepare a list of persons to be excluded or ejected from gaming. The commission may consult with gaming jurisdictions, law enforcement agencies, and credible sources, public or private, to prepare the list.

The executive secretary may recommend changes to the list.

**Source:** 16 SDR 233, effective July 1, 1990; transferred from §20:18:24:01, 21 SDR 98, effective November 30, 1994.

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

**Law Implemented:** SDCL [42-7B-2.1](#), [42-7B-3](#), [42-7B-7](#), [42-7B-9](#), [42-7B-24](#), [42-7B-33](#), [42-7B-61](#), [42-7B-62](#).

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**20:18:08.01:02. Criteria for exclusion.** The criteria to be applied by the commission to prepare a list of persons to be included on the exclusion list are the criteria set forth in SDCL [42-7B-61](#), any one of which is sufficient for placement of a person on the list.

The commission, in its discretion, may establish evidence of notorious or unsavory reputation, as that term is used in SDCL subdivision [42-7B-61\(3\)](#), by identification of a person's criminal activities in a published report of any state or federal legislative or executive body that has inquired into various aspects of criminal activities and in the report or investigation of any state or federal law enforcement agency that has inquired into or investigated criminal activities. This evidence may also include any state or federal crime commission, legislative study or legislative subcommittee study on crime, any presidential commission on crime, or any state or federal law enforcement agency or authority report.

The commission, in its discretion, may establish evidence of conduct that would adversely affect public confidence that gaming is conducted honestly, as that term is used in SDCL subdivision [42-7B-61\(4\)](#), by any one of the following criteria:

(1) The person's character, background, past activity is incompatible with the maintenance of public confidence and trust in the credibility, integrity, and stability of licensed gaming;

(2) The person's character, background, or past activity could reasonably be expected to impair the public perception of, and confidence in, the strict regulatory process created by SDCL Chapter [42-7B](#) and ARSD Article 20:18;

(3) The person's character, background, or past activity could create or enhance a risk of the fact or appearance of unsuitable, unfair, or illegal practices, methods or activities in the conduct of gaming or in the business or financial arrangements incidental thereto; or

(4) Any other factor reasonably related to the maintenance of public confidence in the efficacy of the regulatory process and the integrity of gaming operations and the gaming industry and its employees.

Race, color, creed, national origin or ancestry, or sex is not a reason for inclusion of a person upon the exclusion list.

Before a name is placed on the exclusion list, the commission shall first informally review the information or evidence in its possession and make a determination that there is sufficient reason to believe that any one of the criteria specified in SDCL [42-7B-61](#) is applicable to the candidate. At least three commission members shall concur in such decision at an informal investigative hearing conducted by the commission which may be conducted in executive session. No formal meeting of the commission is required to reach such a decision.

**Source:** 41 SDR 7, effective July 29, 2014.

**General Authority:** SDCL [42-7B-7](#), [42-7B-61](#).

**Law Implemented:** SDCL [42-7B-7](#), [42-7B-11\(11\)](#), [42-7B-61](#).



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**20:18:08.01:03. Distribution of the exclusion list.** The exclusion list shall be open to public inspection and shall be distributed to each:

- (1) Gaming establishment licensed by the South Dakota commission on gaming;
- (2) Law enforcement agency situated in Lawrence County; and
- (3) Tribal gaming commission situated in the state of South Dakota.

**Source:** 41 SDR 7, effective July 29, 2014.

**General Authority:** SDCL [42-7B-7](#), [42-7B-61](#).

**Law Implemented:** SDCL [42-7B-7](#), [42-7B-11\(11\)](#), [42-7B-61](#).

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**20:18:08.01:04. Content of the information for persons on the exclusion list.** If available, the following information and data shall be provided for each excluded person:

- (1) The full name and any aliases the person is believed to have used;
- (2) A description of the person's physical appearance, including height, weight, type of build, color of hair and eyes, and any other known physical characteristics which may assist in the identification of the person;
- (3) Date of birth;
- (4) The effective date the person's name was placed on the list; and
- (5) A photograph of the person and the date thereof.

**Source:** 41 SDR 7, effective July 29, 2014.

**General Authority:** SDCL [42-7B-7](#), [42-7B-61](#).

**Law Implemented:** SDCL [42-7B-7](#), [42-7B-11\(11\)](#), [42-7B-61](#).



## SOUTH DAKOTA COMMISSION ON GAMING

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### UNAPPROVED MINUTES

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

#### **MINUTES**

March 23, 2022

At 9:00 a.m. the meeting was called to order. Commissioner Karen Wagner, Commissioner Karl Fischer, and Commissioner Harry Christianson were present. Commissioner Bob Goetz and Commissioner Spencer Hawley participated via Zoom. Staff members present for the meeting were Douglas Abrahamson, Commission Attorney; Susan Christian, Executive Secretary; Mark Heltzel, Deputy Executive Secretary; Mark Aspass, Commission Architect; Brian Swets, Enforcement Agent; and Phil Schlieff, IT Specialist. Other persons participating in the meeting via Zoom were Jennifer Stalling, Lobbyist; Basil Hofer, BetKota; Kelly Hanson, SDCG Operations Manager; Vicki Schlieff, SDCG; Garrett Gross, BetKota; David Knight and Josh Thurmes, Tin Lizzie.

The meeting was called to order by Commissioner Wagner and a roll call was taken.

On a roll call all Commissioners were present.

Commissioner Goetz	Aye
Commissioner Fischer	Aye
Commissioner Hawley	Aye
Commissioner Christianson	Aye
Commissioner Wagner	Aye

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

On a roll call no conflicts of interest were disclosed.

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

## **Administrative Hearing**

The following case was scheduled to be heard and Commissioner Wagner served as the hearing officer.

- Petition for Declaratory Ruling per 1-26-15 regarding additional building determination  
KR Deadwood Sherman Street 2020, LLC

### **KR Deadwood Sherman Street 2020, LLC**

Present for the hearing representing KR Deadwood Sherman Street 2020, LLC was Roger Tellinghuisen, Attorney and Brad Burns, Architect. The purpose of the hearing was a petition for declaratory ruling to determine whether the 3<sup>rd</sup> and 4<sup>th</sup> floor of the structure at 53 Sherman Street and the 4<sup>th</sup> floor of the structure at 55 Sherman Street constitute three (3) separate buildings for purposes of determining the number of gaming devices that can be placed within the buildings and whether thirty (30) gaming devices can be placed on the 3<sup>rd</sup> floor and on the 4<sup>th</sup> floor structure at 53 Sherman St. and whether thirty (30) gaming devices can be placed on the 4<sup>th</sup> floor of the structure at 55 Sherman St. assuming compliance with the other rules and requirements for gaming activity and whether the inner access between the 3<sup>rd</sup> and 4<sup>th</sup> floors of the structures located at 51, 53, and 55 Sherman St. would be protected by a "water curtain" qualify as inner access pursuant to ARSD 20:18:25:02. In the closing testimony, Mr. Tellinghuisen stated to correct the petition if it wasn't clear that they are asking for two (2) building designations. The 3<sup>rd</sup> floor of 53 Sherman St. and the 4<sup>th</sup> floor over 53 and 55 Sherman St. Mr. Tellinghuisen amended the petition orally to reflect that they are asking for two (2) buildings and not three (3). The decision on this matter was deferred to Executive Session.

The hearing portion of the meeting was concluded.

## **General Meeting**

Commissioner Wagner called the general meeting to order at 10:20 a.m.

## **Adopt Meeting Agenda**

There was one change to the agenda that Department of Revenue Secretary Jim Terwilliger was unable to attend, and Deputy Secretary David Wiest would be speaking in his place.

Commissioner Fischer made a motion to adopt the agenda with the one change. Commissioner Christianson seconded the motion.

On a roll call vote motion carried unanimously.

Commissioner Goetz	Aye
Commissioner Fischer	Aye
Commissioner Hawley	Aye
Commissioner Christianson	Aye
Commissioner Wagner	Aye

## **February 2, 2022, Special Meeting**

Commissioner Hawley made a motion to adopt the minutes as drafted for the February 2, 2022, special meeting. Commissioner Goetz seconded the motion.

On a roll call vote motion carried unanimously.

Commissioner Goetz	Aye
Commissioner Fischer	Aye
Commissioner Hawley	Aye
Commissioner Christianson	Aye
Commissioner Wagner	Aye

## **Old Business**

There was no old business to be discussed

## **Comments Executive Secretary Susan Christian**

Susan Christian, Executive Secretary, gave brief comments on the following:

- Sports Wagering is at the six-month mile marker, the first three months were rocky but the last three months everything seems to be going smoothly and the interaction between the industry and the Commission has been good.
- Next for Sports Wagering is to move into the mobile application process that has already been put into rule. Staff has grouped the process in four (4) phases.
  - 1) The technical aspect which is setting up the mobile application, geo fencing, and 3<sup>rd</sup> party vendors for licensing.
  - 2) The Account Deposit Wagering which is more of a lengthy and detailed process for the accounts that you are allowed to wager.
  - 3) The Internals Controls on the technology and on the wagering accounts.  
There will be a 30-day test period for everyone so that we get it right.
  - 4) The final phase will be each licensee will explain how their system works, what their responsibilities are, how they see being able to maintain compliance and that everyone understands how their mobile app works to the geo fencing and to securing the app.  
This will be a long process we just need to be patient and work together.
- The agenda informal consultations for the first five (5) are not new ones for sports wagering they are from the first 90 days of last year as we were unable to get the investigation completed before the December 2021 meeting.
- Any questions on the mobile application roll out contact Susan Christian or Mark Heltzel.

**Comments Department of Revenue Deputy Secretary David Wiest**

Deputy Secretary David Wiest gave a brief report on the 2022 Legislative Session, Department of Revenue, and that it was announced that Secretary Jim Terwilliger was appointed the Commissioner of Bureau of Finance and Management and the appointment will occur on April 1, 2022.

**Stipulation of Assurance and Voluntary Compliance**

**1) Joseph Gasper**

A monetary penalty of \$350.00 to be paid not later than December 14, 2021, was imposed for a complaint that was filed alleging that the Defendant engaged in conduct constituting grounds for disciplinary action in that the Defendant had issued a single wager in the amount of \$1,300.00 in violation of SDCL 42-7B-14. An informal consultation was held, and licensee agreed to the penalty and paid the fine.

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

On a roll call vote motion carried unanimously.

Commissioner Goetz	Aye
Commissioner Fischer	Aye
Commissioner Hawley	Aye
Commissioner Christianson	Aye
Commissioner Wagner	Aye

**2) Sara Stone**

A monetary penalty of \$150.00 to be paid not later than January 14, 2022, was imposed for a complaint that was filed alleging that the Defendant engaged in conduct constituting grounds for disciplinary action in that the Defendant had issued a single wager in the amount of \$1,500.00 in violation of SDCL 42-7B-14. An informal consultation was held, and licensee agreed to the penalty and paid the fine.

Commissioner Hawley made a motion to accept the Stipulation of Assurance and Voluntary Compliance and the imposed penalty. Commissioner Fischer seconded the motion.

On a roll call vote motion carried unanimously.

Commissioner Goetz	Aye
Commissioner Fischer	Aye
Commissioner Hawley	Aye
Commissioner Christianson	Aye
Commissioner Wagner	Aye

### **3) Internet Sports International**

A monetary penalty of \$3,000.00 to be paid not later than March 23, 2022, was imposed for a complaint that was filed alleging that the Defendant engaged in conduct constituting grounds for disciplinary action in that the Defendant made available through their sports wagering system a prohibited event and an unapproved wager type. An informal consultation was held, and licensee agreed to the penalty and paid the fine.

Commissioner Christianson made a motion to accept the Stipulation of Assurance and Voluntary Compliance and the imposed penalty. Commissioner Fischer seconded the motion.

On a roll call vote motion carried unanimously.

Commissioner Goetz	Aye
Commissioner Fischer	Aye
Commissioner Hawley	Aye
Commissioner Christianson	Aye
Commissioner Wagner	Aye

### **4) Mustang Sally**

A monetary penalty of \$3,000.00 to be paid not later than March 23, 2022, was imposed for a complaint that was filed alleging that the Defendant engaged in conduct constituting grounds for disciplinary action in that on December 14, 2021, the Defendant allowed two (2) future wagers on a NCAA basketball tournament to be placed and accepted at the sports wagering kiosk operated by the Defendant. An informal consultation was held, and licensee agreed to the penalty and paid the fine.

Commissioner Fischer made a motion to accept the Stipulation of Assurance and Voluntary Compliance and the imposed penalty. Commissioner Christianson seconded the motion.

On a roll call vote motion carried unanimously.

Commissioner Goetz	Aye
Commissioner Fischer	Aye
Commissioner Hawley	Aye
Commissioner Christianson	Aye
Commissioner Wagner	Aye

### **5) Gold Dust**

A monetary penalty of \$3,000.00 to be paid not later than March 23, 2022, was imposed for a complaint that was filed alleging that the Defendant engaged in conduct constituting grounds for disciplinary action in that on November 23, 2021, the Defendant accepted two (2) wagers on a South Dakota State University basketball game in violation of SDCL 42-7B-82-(4). On December 14, 2021, the Defendant accepted four (4) future wagers on a NCAA basketball tournament. This wager type was not approved by the South Dakota Commission on Gaming and is in violation of ARSD 20:18:35:04. An informal consultation was held, and licensee agreed to the penalty and paid the fine.

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

On a roll call vote motion carried unanimously.

Commissioner Goetz	Aye
Commissioner Fischer	Aye
Commissioner Hawley	Aye
Commissioner Christianson	Aye
Commissioner Wagner	Aye

**6) Danny Burr**

A monetary penalty of \$100.00 to be paid not later than January 14, 2022, was imposed for a complaint that was filed alleging that the Defendant engaged in conduct constituting grounds for disciplinary action in that the Defendant conducted a poker game with an extra Queen of Diamonds in the active poker deck in violation of ARSD 20:18:16:06. An informal consultation was held, and licensee agreed to the penalty and paid the fine.

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

On a roll call vote motion carried unanimously.

Commissioner Goetz	Aye
Commissioner Fischer	Aye
Commissioner Hawley	Aye
Commissioner Christianson	Aye
Commissioner Wagner	Aye

**7) Gold Country Inn**

A monetary penalty of \$2,500.00 to be paid not later than March 4, 2022, was imposed for a complaint that was filed alleging that the Defendant engaged in conduct constituting grounds for disciplinary action by failing to inspect recording equipment daily and maintain a written record of the inspection per ARSD 20:18:29:14. An informal consultation was held, and licensee agreed to the penalty and paid the fine.

Commissioner Christianson made a motion to accept the Stipulation of Assurance and Voluntary Compliance and the imposed penalty. Commissioner Fischer seconded the motion.

On a roll call vote motion carried unanimously.

Commissioner Goetz	Aye
Commissioner Fischer	Aye
Commissioner Hawley	Aye
Commissioner Christianson	Aye
Commissioner Wagner	Aye



**8) DHIH, LLC dba Hickok’s**

A monetary penalty of \$500.00 to be paid not later than March 25, 2022, was imposed for a complaint that was filed alleging that the Defendant engaged in conduct constituting grounds for disciplinary action in that on March 1, 2021, the Defendant entered into a contract in which an individual purchased shares in DHIH, LLC in violation of SDCL 42-7B-66. This was a repeat finding within the last year. An informal consultation was held, and licensee agreed to the penalty.

**9) DBUH, LLC dba The Bullock**

A monetary penalty of \$1,500.00 to be paid not later than March 25, 2022, was imposed for a complaint that was filed alleging that the Defendant engaged in conduct constituting grounds for disciplinary action in that on February 9, 2021, March 3, 2021, and March 4, 2021, the Defendant entered into contracts in which individuals purchased shares in DBUH, LLC in violation of SDCL 42-7B-66. This was a repeat finding within the last year. An informal consultation was held, and licensee agreed to the penalty.

Commissioner Christianson made a motion to defer the decision for Stipulation and Assurance of Voluntary Compliance 8) DHIH, LLC dba Hickok’s and 9) DBUH, LLC dba The Bullock to Executive Session. Commissioner Fischer seconded the motion.

On a roll call vote motion carried unanimously.

Commissioner Goetz	Aye
Commissioner Fischer	Aye
Commissioner Hawley	Aye
Commissioner Christianson	Aye
Commissioner Wagner	Aye

**Approval of new event to Sports Event and Wagering Catalog**

A request was made to add USFL (United States Football League) which is a new league to the Sports Event and Wagering Catalog.

Susan Christian, Executive Secretary, recommended that the USFL (United States Football League) be added to the Sports Event and Wagering Catalog.

Commissioner Christianson made a motion to the approve USFL to the Sports Event and Wagering Catalog as staff recommended. Commissioner Hawley seconded the motion.

On a roll call vote motion carried unanimously.

Commissioner Goetz	Aye
Commissioner Fischer	Aye
Commissioner Hawley	Aye
Commissioner Christianson	Aye
Commissioner Wagner	Aye



**Deadwood Licensing Matters**

**Key License Approvals**

Deputy Executive Secretary Mark Heltzel recommended approval of the following:

- Jace Linderman
- Brandi Martin
- Brandon Flanagan
- Jason Kimler
- Sean Lyons
- Lark Taylor
- Jared Kerber
- Lindsey Lottes

Commissioner Fischer made a motion to approve the key license approvals as staff recommended. Commissioner Christianson seconded the motion.

On a roll call vote motion carried unanimously.

- |                           |     |
|---------------------------|-----|
| Commissioner Goetz        | Aye |
| Commissioner Fischer      | Aye |
| Commissioner Hawley       | Aye |
| Commissioner Christianson | Aye |
| Commissioner Wagner       | Aye |

**Key License Renewals**

Deputy Executive Secretary Mark Heltzel recommended approval of the following:

- Thomas Frank
- Ashley Mack

Commissioner Hawley made a motion to approve the key license renewals as staff recommended. Commissioner Goetz seconded the motion.

On a roll call vote motion carried unanimously.

- |                           |     |
|---------------------------|-----|
| Commissioner Goetz        | Aye |
| Commissioner Fischer      | Aye |
| Commissioner Hawley       | Aye |
| Commissioner Christianson | Aye |
| Commissioner Wagner       | Aye |

**Business License Approval**

Deputy Executive Secretary Mark Heltzel recommended approval of the following:

- Approval of an Operator’s license **(12695-OP)** for Dakota Gaming Group, Inc. dba BetKota.

Commissioner Hawley made a motion to approve the business license approval as staff recommended. Commissioner Goetz seconded the motion.

On a roll call vote motion carried unanimously.

Commissioner Goetz	Aye
Commissioner Fischer	Aye
Commissioner Hawley	Aye
Commissioner Christianson	Aye
Commissioner Wagner	Aye

**Public Comment**

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

A brief recess was taken at 11:00 a.m.

The meeting resumed at 11:09 a.m.

**Executive Session**

Commissioner Christianson made a motion to go into Executive Session. Commissioner Hawley seconded the motion.

On a roll call vote motion carried unanimously.

Commissioner Goetz	Aye
Commissioner Fischer	Aye
Commissioner Hawley	Aye
Commissioner Christianson	Aye
Commissioner Wagner	Aye

At 11:09 a.m. the Commissioners went into Executive Session pursuant to SDCL 1-25-2 (3).

The Executive Session concluded at 12:23 p.m.

**Action Items**

**Exclusion List**

Commissioner Christianson made a motion that the Notice of Exclusion in reference to Rick Burluson and the Notice of Exclusion of Benjamin Palmer be accepted and served upon the two. Commissioner Fischer seconded the motion.

On a roll call vote motion carried unanimously.

Commissioner Goetz	Aye
Commissioner Fischer	Aye
Commissioner Hawley	Aye
Commissioner Christianson	Aye
Commissioner Wagner	Aye

**Decision on Administrative Hearing**

**KR Deadwood Sherman Street 2020, LLC**

Commissioner Hawley made a motion to approve the additional building determination for the 3<sup>rd</sup> floor and 4<sup>th</sup> floor so would have two (2) buildings as per Mr. Tellinghuisen’s clarification at the end of his testimony. Commissioner Goetz seconded the motion.

On a roll call vote motion carried unanimously.

Commissioner Goetz	Aye
Commissioner Fischer	Aye
Commissioner Hawley	Aye
Commissioner Christianson	Aye
Commissioner Wagner	Aye

**Decision 8) DHIH, LLC dba Hickok’s**

Commissioner Christianson made a motion that the fine for the Stipulation and Assurance of Voluntary Compliance be increased to \$2,000.00. Commissioner Fischer seconded the motion.

On a roll call vote motion carried unanimously.

Commissioner Goetz	Aye
Commissioner Fischer	Aye
Commissioner Hawley	Aye
Commissioner Christianson	Aye
Commissioner Wagner	Aye

**Decision 9) DBUH, LLC dba The Bullock**

Commissioner Christianson made a motion to increase the fine from \$500.00 to \$2,000.00 per violation for a total of \$6,000.00 for the Stipulation and Assurance of Voluntary Compliance. Commissioner Fischer seconded the motion.

On a roll call vote motion carried unanimously.

Commissioner Goetz	Aye
Commissioner Fischer	Aye
Commissioner Hawley	Aye
Commissioner Christianson	Aye
Commissioner Wagner	Aye

The Executive Secretary asked the Commissioners when the payments would be due. Commissioner Wagner stated that the payments are to be paid not later than March 28, 2022.

**Adjournment**

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

On a roll call vote motion carried unanimously.

Commissioner Goetz
Commissioner Fischer
Commissioner Hawley
Commissioner Christianson
Commissioner Wagner

The meeting was adjourned at 12:29 p.m.

Respectfully Submitted,

Kathy Beringer

\_\_\_\_\_  
Karen Wagner, Madam Chairman

\_\_\_\_\_  
Susan Christian, Executive Secretary



## SOUTH DAKOTA COMMISSION ON GAMING

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TO: Commissioners  
Mike Shaw  
Doug Abraham

FROM: Susan Christian, Executive Secretary

SUBJECT: Stipulation and Assurance of Voluntary Compliance  
Ernest Hospitality, LLC dba Deadwood Gulch Resort  
SDCG Operator License# 12042-OP  
Complaint# 22-02-024-BS

DATE: June 22, 2022

Per ARSD 20:18:10:04 the SDCG Executive Secretary and the Operator entered into a Stipulation of Assurance and Voluntary Compliance on April 29, 2022 in resolution of Initial Complaint # 22-02-024-BS.

Based on a review of prior penalties assessed for surveillance issues of this type the Executive Secretary assessed a penalty of \$1,000.00. The penalty was paid on May 5, 2022.

The Staff is recommending that the Commission accept the Stipulation of Voluntary Compliance and the penalty amount assessed.



**SOUTH DAKOTA COMMISSION ON GAMING**

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SOUTH DAKOTA COMMISSION  
ON GAMING,

PLAINTIFF

STIPULATION AND ASSURANCE

VS.

OF VOLUNTARY COMPLIANCE

Ernest Hospitality, LLC  
dba Deadwood Gulch Resort  
SDCG License #12042-OP

SDCG Complaint #22-02-024-BS

DEFENDANT

RECITALS

A complaint was filed against the Defendant on March 15, 2022 by Brian Swets, an Enforcement Agent of the South Dakota Commission on Gaming.

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

An Informal Consultation was held between the Executive Secretary and the Defendant on April 29, 2022.

I

The complaint filed on March 15, 2022 alleged that the Defendant engaged in conduct constituting grounds for disciplinary action by having a slot machine available to the general public with a potential jackpot payout of over twelve thousand dollars (\$12,000.00) that did not have the required surveillance approval in violation of ARSD 20:18:29:05, ARSD 20:18:29:02, and ARSD 20:18:29:11.

II

The Defendant answered the complaint on March 24, 2022. The Defendant's answer denied the conduct alleged and stated that they believed they had not violated gaming laws as alleged

Section II Cont'd

in the complaint filed on March 15, 2022. The Defendant stated in the response that two (2) surveillance reviews had been conducted by the South Dakota Commission on Gaming Enforcement Staff with no violations cited.

### III

On February 14, 2022, Enforcement Agent Brian Swets was called to the Deadwood Gulch Resort for a slot machine payout dispute. During the course of the investigation, Enforcement Agent Swets was unable to use the surveillance in the investigation due to poor quality of the surveillance image. Enforcement Agent Swets determined that the surveillance required per ARSD 20:18:29:05 had not been approved prior to offering the slot machine to the general public on January 10, 2022.

South Dakota Commission on Gaming Enforcement Staff conducted an opening surveillance review on or around August 24, 2021 and a Basic Controls Inspection on February 26, 2022. The slot machine, IGT Wheel of Fortune, was installed on January 10, 2022, and therefore was not included in the August 24, 2022 opening surveillance review. The slot machine was not available for play on February 26, 2022, and was not reviewed because it was out of service and the determination that the Defendant was not in compliance with ARSD 20:18:29:02, ARSD 20:18:29:05, and ARSD 20:18:29:11 had been made during the jackpot dispute investigation.

The South Dakota Commission on Gaming recognizes the Licensee is new to the casino industry. The Executive Secretary is requiring that when a new slot machine is added to the property, or a machine is moved or made available for play after it has been taken out of service that surveillance views be inspected and approved by South Dakota Commission on Gaming Enforcement Staff as required by ARSD 20:18:29:02, ARSD 20:18:29:05, and ARSD 20:18:29:11

The Executive Secretary imposes a monetary penalty of one thousand dollars (\$1,000.00) to be paid no later than May 13, 2022. Please remit penalty payment to:

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

IV

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

V



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

DATED at Deadwood, South Dakota, the 29<sup>th</sup> day of April 2022 .

Ernest Hospitality, LLC  
dba Deadwood Gulch Resort  
Defendant



SUSAN CHRISTIAN, CIA  
Executive Secretary  
South Dakota Commission on Gaming

By   
Its 





## SOUTH DAKOTA COMMISSION ON GAMING

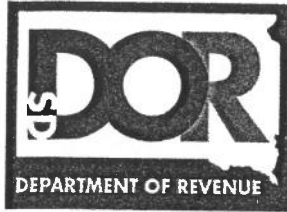
87 Sherman Street • Deadwood, SD 57732  
(605) 578-3074 • [dor.sd.gov/gaming](http://dor.sd.gov/gaming)

**20:18:10:04. Assurance of voluntary compliance.** The executive secretary may accept an assurance of voluntary compliance regarding any act or practice alleged to violate this article or SDCL 42-7B from a person who has engaged in, is engaging in, or is about to engage in such acts or practices. The assurance must be in writing and may include a stipulation for the voluntary payment of the costs of the investigation or a monetary penalty and an amount necessary to restore to a person money or property which may have been acquired by the alleged violator because of the acts or practices. Proof of failure to comply with the assurance of voluntary compliance is prima facie evidence of a violation of this chapter. The commission may approve, reject, or modify an assurance of voluntary compliance.

**Source:** 16 SDR 57, effective October 1, 1989; 25 SDR 172, effective July 11, 1999.

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

**Law Implemented:** SDCL 1-26-20, 42-7B-7, 42-7B-11(6)(11), 42-7B-18, 42-7B-21, 42-7B-24, 42-7B-25.



**SOUTH DAKOTA COMMISSION ON GAMING**

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

March 31, 2022

Ernest Hospitality LLC  
C/O Tim Johnson, Registered Agent  
950 North Street  
Rapid City, SD 57701

RE: South Dakota Commission on Gaming vs. Ernest Hospitality, LLC dba Deadwood Gulch Resort

SDCG License Number 12042-OP  
Complaint Number 22-04-024-BS

Mr. Johnson,

Your response to the initial complaint delivered to you on or about March 15, 2022 has been received. Per ARSD 20:18:10:03 it has been determined that the complaint has merit for disciplinary action. A copy of ARSD 20:18:10:03 is enclosed.

An informal consultation to resolve this matter is scheduled for 10:00 a.m. MDT on April 13, 2022 at the South Dakota Commission on Gaming office located at 87 Sherman Street, Deadwood, SD.

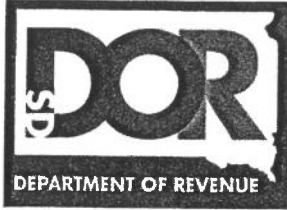
Sincerely,

  
Susan Christian, CIA  
Executive Secretary

e-mail: susan.christian@state.sd.us

1 Enclosure

CC: Doug Abraham by e-mail  
Mark Heltzel by e-mail  
Brian Swets by e-mail



## **SOUTH DAKOTA COMMISSION ON GAMING**

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

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

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

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

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



**SOUTH DAKOTA COMMISSION ON GAMING**

87 Sherman Street • Deadwood, SD 57732

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

March 11, 2022

Ernest Hospitality, LLC  
DBA Deadwood Gulch Resort  
304 Cliff St.  
Deadwood, SD 57732

RE: South Dakota Commission on Gaming vs. Ernest Hospitality, LLC DBA as  
Deadwood Gulch Resort, SDCG license # 12042-OP, complaint # 22-02-024-BS

Dear Mr. Johnson,

This is to inform you that a complaint has been filed against you by Brian Swets, an Enforcement Agent with the South Dakota Commission on Gaming. The complaint alleges that on or before February 14, 2022, licensee allowed two IGT Wheel of Fortune slot machines which could pay out more than \$12,000.00 to be operated with unapproved surveillance views.

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

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

Sincerely,

Mark Heltzel  
Deputy Executive Secretary

Telephone: (605) 578-3074

Email: [mark.heltzel@state.sd.us](mailto:mark.heltzel@state.sd.us)

CC: Susan Christian by email  
Mike Shaw by email



**SOUTH DAKOTA COMMISSION ON GAMING**

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

South Dakota Commission	)	
on Gaming	)	
	)	
<i>Plaintiff,</i>	)	Initial Complaint Filed
	)	Pursuant to
Vs.	)	ARSD 20:18:10:01
	)	
Ernest Hospitality LLC	)	
DBA Deadwood Gulch Resort	)	Complaint # 22-02-024-BS
SDCG Lic. # 12042-OP	)	
	)	
<i>Defendant.</i>	)	

The Complaint is made against the following Licensee:

Ernest Hospitality LLC  
DBA Deadwood Gulch Resort  
304 Cliff St.  
Deadwood, SD 57732

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

On February 14, 2022, I was called to the Deadwood Gulch Resort for a slot machine result dispute. During the investigation I learned the surveillance of the machines involved had a potential payout of over twelve thousand dollars. The licensee violated A.R.S.D. 20:18:29:2, A.R.S.D. 20:18:29:05, and A.R.S.D 20:18:29:11 by not having the camera views approved.

**20:18:29:02. Closed-circuit surveillance system.** A licensee must install, maintain, and operate a closed-circuit surveillance system of sufficient quality to produce clear video image and still picture reproduction. The quality of the picture and recordings must be approved by the commission, the executive secretary, or its agents.

**Source:** 19 SDR 195, effective June 21, 1993; 22 SDR 95, effective January 18, 1996; 22 SDR 189, effective July 11, 1996; 28 SDR 24, effective August 28, 2001; 35 SDR 184, effective February 2, 2009; 47 SDR 137, effective June 28, 2021.

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

**Law Implemented:** SDCL 42-7B-7, 42-7B-11(2), 42-7B-11(13), 42-7B-17.

**20:18:29:11. Surveillance plan.** A licensee must submit a surveillance plan to the commission. The surveillance plan must include a floor plan that shows placement of all surveillance equipment in relation to the areas under surveillance and a detailed description of the system and equipment. The licensee may not modify the plan without the prior written approval of the executive secretary or a designee.

**Source:** 19 SDR 195, effective June 21, 1993; 21 SDR 89, effective November 30, 1994.

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

**Law Implemented:** SDCL 42-7B-1, 42-7B-2.1, 42-7B-3, 42-7B-7, 42-7B-11(2), 42-7B-17, 42-7B-18, 42-7B-32.

**20:18:29:05. Slot machines with award capability of \$12,000 or greater.** A licensee must install a closed-circuit system to surveil each slot machine that has an award of \$12,000 or greater. The system must continuously record with a clear, unobstructed view of the lights, handle, play buttons of the device, and patrons.

**Source:** 19 SDR 195, effective June 21, 1993; 34 SDR 200, effective January 29, 2008; 40 SDR 101, effective December 2, 2013; 43 SDR 131, effective April 17, 2017.

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

**Law Implemented:** SDCL 42-7B-7, 42-7B-11(2)(11)(13), 42-7B-17.

Name of complaint    Brian Swets

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

The following witnesses could give testimony about the complaint:

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

**NOTICE TO:**

Ernest Hospitality LLC  
C/O Tim Johnson, Registered Agent  
950 North Street  
Rapid City, SD 57701

(DEFENDANT)

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

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

Dated the 15<sup>th</sup> day of March 2022



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



## **SOUTH DAKOTA COMMISSION ON GAMING**

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

### **STATE OF SOUTH DAKOTA CONSULTING CONTRACT**

**AGREEMENT made and entered into this 22<sup>nd</sup> day of June 2022, by and between South Dakota Commission on Gaming, a state agency of 445 East Capitol Avenue, Pierre, SD 57501 (the "State") and Gaming Laboratories International LLC, 600 Airport Road, Lakewood, New Jersey, 08701, (the "Consultant").**

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

**1. The Consultant will perform the following services:**

**The Consultant will advise, review and draft regulations and test gaming devices as requested by the Commission on Gaming staff for the following fees:**

- (1) Professional consulting fees no charge for the first ten (10) hours of consulting during the contract period and then \$170.00 per hour after the first ten (10) hours**
- (2) Regular device testing time \$170.00 per hour**
- (3) Telephone consulting free of charge**
- (4) Random Number Generator testing minimum of \$5,000.00 per RNG**

**2. The consultant's services under this Agreement shall commence on July 1, 2022 and end on June 30, 2023 unless sooner terminated pursuant to the terms hereof.**

**3. The Consultant will not use State equipment, supplies or facilities The Consultant's Employer Identification Number is 26-1938391.**

**4. The State will make payment for services upon satisfactory completion of the services The TOTAL CONTRACT AMOUNT is an amount not to exceed \$35,000.00 The state will not pay Consultant's travel expense as a separate item Payment will be made pursuant to itemized invoices.**

**5. The Consultant agrees to indemnify and hold the State of South Dakota, its officers, agents and employees, harmless from and against any and all actions, suits, damages, liability or other proceedings that may arise as the result of performing services hereunder This section does not**



require the consultant to be responsible for or defend against claims or damages arising solely from errors or omissions of the States, its officers, agents or employees.

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

**A. Professional Liability Insurance or Miscellaneous Professional Liability Insurance:**

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

**B. Automobile Liability Insurance:**

The Consultant should maintain business automobile liability insurance or equivalent form with a limit of not less than \$500,000.00 for each accident. Such insurance should include coverage for owned, hired and non-owned vehicles.

**C. Worker's Compensation Insurance:**

The Consultant shall procure and maintain worker's compensation and employers' liability insurance as required by South Dakota Law.

Before beginning work under this Agreement, the Consultant shall furnish the State with properly executed Certificates of Insurance which shall clearly evidence all insurance required by this Agreement and which provide that such insurance may be canceled, except upon 30 days' prior written Notice to the State. The Consultant shall furnish copies of insurance policies if requested by the State.

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

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

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

Reporting to the State under this section shall not excuse or satisfy any obligation of Consultant to report any event to law enforcement or other entities under the requirements of any applicable law.

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

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

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

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

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

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

**15. Any notice or other communication required under this Agreement shall be in writing and sent to the address set forth above. Notices shall be given by and to Susan Christian, Executive Secretary, South Dakota Commission on Gaming on behalf of the State, and by James R. Maida, President, Gaming Laboratories International, on behalf of the Consultant, or such authorized**

designees as either party may from time to time designate in writing Notices or communications to or between the parties shall be deemed to have been delivered when mailed by first class mail, provided that notice of default or termination shall be sent by registered or certified mail, or, if personally delivered, when received by such party.

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

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

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

**STATE**

**CONSULTANT**

BY: \_\_\_\_\_  
**Susan Christian**  
**Executive Secretary**  
**South Dakota Commission on Gaming**

*James R Maida*  
BY: James R Maida (Apr 20, 2022 10:50 EDT)  
**James R. Maida**  
**President**  
**Gaming Laboratories International, LLC**

\_\_\_\_\_  
(DATE)

**Apr 20, 2022**  
\_\_\_\_\_  
(DATE)

BY: \_\_\_\_\_  
**Jim Terwilliger**  
**Secretary**  
**Department of Revenue and Regulation**

\_\_\_\_\_  
(DATE)

**State Agency Coding (MSA Center) 0293000633**

**State Agency MSA Company for which contract will be paid 52041300**

**Object/sub object MSA account to which voucher will be coded \_\_\_\_\_**

**Name and phone number of contact person in State Agency who can provide additional information regarding this contract: Susan Christian Acting Executive Secretary**

# SD Commission on Gaming - GLI Agreement

Final Audit Report

2022-04-20

Created:	2022-04-20
By:	Zachary Kastelic (z.kastelic@gaminglabs.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAA8tyk_6QIQq1cA4F10Dorcre2-PViYGd5

## "SD Commission on Gaming - GLI Agreement" History

-  Document created by Zachary Kastelic (z.kastelic@gaminglabs.com)  
2022-04-20 - 1:36:31 PM GMT
-  Document emailed to James R Maida (j.maida@gaminglabs.com) for signature  
2022-04-20 - 1:40:56 PM GMT
-  Email viewed by James R Maida (j.maida@gaminglabs.com)  
2022-04-20 - 2:50:01 PM GMT
-  Document e-signed by James R Maida (j.maida@gaminglabs.com)  
Signature Date: 2022-04-20 - 2:50:21 PM GMT - Time Source: server
-  Agreement completed.  
2022-04-20 - 2:50:21 PM GMT



## SOUTH DAKOTA COMMISSION ON GAMING

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

TO: Commissioners  
Mike Shaw  
Doug Abraham  
FROM: Susan Christian, Executive Secretary  
SUBJECT: Request to add new event and new wager types

DATE: June 22, 2022

Requests have been made for the following:

New Event:

INDYCAR

Staff recommends approval of this new league effective June 24, 2022

New wagering types:

- 1) In-Game & In-Play wagering for the Canadian Football League (CFL), Women's National Basketball Association (WNBA) and approved Soccer, Golf, Fighting, Racing, and Tennis leagues
- 2) Teasers on Parlays Point Spreads and Teasers on Parlay Totals for the Canadian Football League (CFL)

Staff recommends approval of these new wager types effective June 24, 2022

- 3) Round Robin wagers for approved leagues.

Staff recommends approval of Round Robin as a wager type effective at the time the Commission's action taken to change ARSD 20:18:35:01(14) Parlay definition becomes effective.



## SOUTH DAKOTA COMMISSION ON GAMING

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

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

(1) A request for approval of an event category involving sporting events must include the name of the sport's governing body and, to the extent known by the licensee or sports wagering services provider, a description of its policies and procedures regarding event integrity;

(2) A request for approval of an event category involving events other than professional and collegiate sporting events must include:

(A) A full description of the event category and the manner in which sports bets would be placed and winning sports bets would be determined;

(B) A full description of any technology that would be utilized to offer the event category;

(C) Assurance that the event category meets the requirements of subdivision (6);

(D) Any rules or voting procedures related to the event category; and

(E) Any other information the commission considers necessary.

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

(4) The commission may grant, deny, limit, restrict, or condition a request made pursuant to this rule for any cause. The commission may issue an order revoking, suspending, or modifying any approval of an event category or wager type granted under this rule for any cause.

(5) The commission shall notify all licensees and sports wagering services providers of any additions, deletions, or changes regarding authorized event categories and authorized wager types.

(6) A licensee or sports wagering services provider may only accept sports bets on events and wager types for which:

(A) The event can be effectively supervised by a sports governing body or other oversight body;

(B) There are integrity safeguards in place;

(C) The outcome can be documented and verified;

(D) The outcome can be generated by a reliable and independent process;

(E) The outcome is not affected by any wager placed;

(F) The event and acceptance of the wager type are conducted in conformity with all applicable laws; and

(G) Wagering on the event and acceptance of the wager type are consistent with the public policy of this state.

(7) The commission may use any information it considers appropriate, including, but not limited to, information received from a sports governing body, to determine whether to authorize or prohibit wagering on a particular event or a particular wager type.

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

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

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



**SOUTH DAKOTA COMMISSION ON GAMING**

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

**PURSUANT TO**

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

<b>Licensee Name:</b> Cadillac Jack's Gaming Resort
<b>Licensee Representative Name:</b> David Schneiter
<b>Type of Request:</b> <i>New League</i>
<b>Example: (New League) (New Event) (New Wager Type – specify for which league(s)/event(s))</b>
<b>Title of new league, new event, and/or new wager type:</b> <i>IndyCar</i>

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

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

The request is for approval of the IndyCar series. IndyCar is the highest class of regional North American open-wheel single-seater formula racing cars in the United States. It includes popular events such as the Indianapolis 500 (Indy 500).

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

Wagers will be made available on the retail kiosks and sportsbook counters. We request to offer wagers on Moneyline, Point-Spreads, Totals, Parlays of Approved Wagers, Futures, Team Props, Player Props, and In-Game & In-Play Approved Wagers. Wagering will comply with all other South Dakota laws and regulations, including wagering limits, and our House Rules.



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

The BetMGM wagering platform will be utilized to offer wagers.

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

The integrity policies for the IndyCar Series will apply, which governs the integrity and fairness of each event and provides penalties for non-compliance.

Please refer to the IndyCar Rulebook and Integrity Policy at:

<https://epaddock.indycar.com/LinkClick.aspx?fileticket=k8xdi-l5zaU%3D&portalid=0>

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

We are not aware of any current scandals or investigations that would compromise the integrity of any players, teams, tournaments, or events.

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

None.

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

The outcome of these wagers will be based on verifiable results determined on the field of play. The outcome is not affected by any wager placed. The CFL ensures that integrity safeguards are in place and participants in these events are subject to the governing body's integrity policy and code of conduct.

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

This wager type is currently approved in: AZ, CO, D.C., IN, IA, MD, MI, MS, NV, NJ, NY, OR, PA, TN, VA, WV, and WY

**DO NOT INSERT A LINK TO OTHER JURISDICTIONS.**

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

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

**SOUTH DAKOTA COMMISSION ON GAMING**

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

**PURSUANT TO**

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

Licensee Name: Sisseton Wahpeton Oyate dba: Dakota Sioux Casino
Licensee Representative Name: Dakota Sioux Casino, Dakota Connection Casino
Type of Request: New League, New Event
Example: (New League) (New Event) (New Wager Type – specify for which league(s)/event(s))
Title of new league, new event, and/or new wager type: INDYCAR; i.e.: Indianapolis 500 and all other INDYCAR series races

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

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

Patron would place a bet on the INDYCAR individual(s) at betting station with the odds given and set forth by Sportsbook Vendor (IGT), via server housed within Dakota Sioux Casino/ Dakota Connection Casino.

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

The patron would place a "straight bet", meaning that "whoever wins the race and passes the inspection process." This bet would be no less than five (\$5.00) US dollars and maximum of one thousand (\$1,000.00) US dollars. This would be considered a valid bet, based upon the odds given and set forth by the Sportsbook Vendor (IGT) at Dakota Sioux Casino & Hotel and Dakota Connection Casino.

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

Dakota Sioux Casino/Dakota Connection Casino utilize the IGT PlaySports Platform for sports betting. IGT kiosks and our sports book counter will be used to offer the INDYCAR races for sports betting. The bet would consist of a single selection bet on any given participant of the race(s) based upon the odds set forth by IGT at Dakota Sioux Casino & Hotel and Dakota Connection Casino.

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

The NTT IndyCar Series is a well-known, nationwide class of formula car racing. We do not have access to their policies and procedures. The Indianapolis Motor Speedway, home to the NTT IndyCar Series signature event, offers sports betting lounges powered by Caesar's Entertainment.

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

INDYCAR performs compliance inspections within their league standards. No race results are finalized until an inspection is done to verify all qualifications were met. We are unaware of any known scandals, criminal investigations, or other incidents that could possibly compromise the integrity of any races.

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

There has been no communication or attempted communication with the NTT IndyCar Series from Dakota Sioux Casino & Hotel and Dakota Connection Casino.

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

The NTT IndyCar Series is a well-known, nationwide class of formula car racing. Their signature event, the Indianapolis 500-Mile Race, has been held for 105 years. The IndyCar Series events are extremely similar to currently approved NASCAR races, so wagering on the events and acceptance of the wager type are consistent with the public policy of South Dakota. Outcomes are documented, verifiable and not affected by any wager placed. While we have no documentation to offer as to the integrity safeguards in place, we feel confident their events are conducted in conformity with all applicable laws and rules.

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

**DO NOT INSERT A LINK TO OTHER JURISDICTIONS.**

The NTT IndyCar Series is available for sports betting in the State of North Dakota and numerous other states. We are not aware of any jurisdictions where approval has been requested but not granted.

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

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

**SOUTH DAKOTA COMMISSION ON GAMING**

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

**PURSUANT TO**

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

<b>Licensee Name:</b> Cadillac Jack's Gaming Resort
<b>Licensee Representative Name:</b> David Schneider
<b>Type of Request:</b> <i>New Wager Type for CFL, WNBA and approved Soccer, Golf, Fighting, Racing, and Tennis leagues</i>
<b>Example: (New League) (New Event) (New Wager Type – specify for which league(s)/event(s))</b>
<b>Title of new league, new event, and/or new wager type:</b> <i>In-Game &amp; In-Play Approved Wagers</i>

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

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

The request is for approval of In-Game & In-Play wagering for the Canadian Football League (CFL), Women's National Basketball Association (WNBA) and approved Soccer, Golf, Fighting, Racing, and Tennis leagues.

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

Wagers will be made available on the retail kiosks and sportsbook counters. We intend to offer wagering in-game & in-play on the same markets that are permitted in South Dakota before the match begins. Wagering will comply with all other South Dakota laws and regulations, including wagering limits, and our House Rules.

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

The BetMGM wagering platform will be utilized to offer wagers.

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

The integrity policies for each already-approved league and governing body will apply to this wager type, which govern the integrity and fairness of each event and provide penalties for manipulation of an event or anti-competitive action.

The new wager type presents no additional integrity risk from pre-match wagers, which are already approved.

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

We are not aware of any current scandals or investigations that would compromise the integrity of any players, teams, tournaments, or events.

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

None.

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

The outcome of these wagers will be based on verifiable results determined on the field of play. The outcome is not affected by any wager placed. Governing bodies ensure that integrity safeguards are in place and participants in these events are subject to the governing body's integrity policy and code of conduct.

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

This wager type is currently approved in: AZ, CO, D.C., IN, IA, MD, MI, MS, NV, NJ, NY, OR, PA, TN, VA, WV, and WY

**DO NOT INSERT A LINK TO OTHER JURISDICTIONS.**

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

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



**SOUTH DAKOTA COMMISSION ON GAMING**

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

**PURSUANT TO**

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

<b>Licensee Name:</b> Cadillac Jack's Gaming Resort
<b>Licensee Representative Name:</b> David Schneiter
<b>Type of Request:</b> <i>New Wager Type for Canadian Football League (CFL)</i>
<b>Example: (New League) (New Event) (New Wager Type – specify for which league(s)/event(s))</b>
<b>Title of new league, new event, and/or new wager type:</b> <i>Teasers on Parlays Point Spreads and Teasers on Parlay Totals</i>

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

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

The request is for approval of Teasers on Parlays Point Spreads and Teasers on Parlay Totals for the Canadian Football League (CFL).

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

Wagers will be made available on the retail kiosks and sportsbook counters. We intend to offer wagering on teasers on CFL matches that are permitted in South Dakota for NFL matches. Wagering will comply with all other South Dakota laws and regulations, including wagering limits, and our House Rules.

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

The BetMGM wagering platform will be utilized to offer wagers.

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

The integrity policies for the CFL will apply to this wager type, which governs the integrity and fairness of each event and provides penalties for manipulation of an event or anti-competitive action.

The new wager type presents no additional integrity risk from other wagers already approved on the CFL.

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

We are not aware of any current scandals or investigations that would compromise the integrity of any players, teams, tournaments, or events.

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

None.

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

The outcome of these wagers will be based on verifiable results determined on the field of play. The outcome is not affected by any wager placed. The CFL ensures that integrity safeguards are in place and participants in these events are subject to the governing body's integrity policy and code of conduct.

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

This wager type is currently approved in: AZ, CO, D.C., IN, IA, MD, MI, MS, NV, NJ, NY, OR, PA, TN, VA, WV, and WY

**DO NOT INSERT A LINK TO OTHER JURISDICTIONS.**

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

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

**SOUTH DAKOTA COMMISSION ON GAMING**

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

**PURSUANT TO**

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

<b>Licensee Name:</b> Cadillac Jack's Gaming Resort
<b>Licensee Representative Name:</b> David Schneiter
<b>Type of Request:</b> <i>New Wager Type for approved leagues</i>
<b>Example: (New League) (New Event) (New Wager Type – specify for which league(s)/event(s))</b>
<b>Title of new league, new event, and/or new wager type:</b> <i>Round Robin</i>

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

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

The request is for approval of Round Robin wagers for approved leagues. A "Round-Robin" is a method that allows a patron to place a series of parlays based on a list of individual markets of their choosing. Each parlay that the patron would place is already approved in South Dakota. The placement, pricing, and settlement of each parlay would not differ from what is currently approved

For example, a customer chooses the following individual markets to place in a three-leg Round Robin: Team 1 to Win, Team 2 to Win, and Team 3 to Win. As a result, the patron will place the following parlays:

1. Team 1 to Win and Team 2 to Win
2. Team 1 to Win and Team 3 to Win
3. Team 2 to Win and Team 3 to Win

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

Wagers will be made available on the retail kiosks and sportsbook counters. We intend to offer Round Robins on the same markets that are permitted in South Dakota if the patron were to place each wager individually. Wagering will comply with all other South Dakota laws and regulations, including wagering limits, and our House Rules.

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

The BetMGM wagering platform will be utilized to offer wagers.

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

The integrity policies for each already-approved league and governing body will apply to this wager type, which govern the integrity and fairness of each event and provide penalties for manipulation of an event or anti-competitive action.

The new wager type presents no additional integrity risk from parlay wagers, which are already approved.

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

We are not aware of any current scandals or investigations that would compromise the integrity of any players, teams, tournaments, or events.

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

None.

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

The outcome of these wagers will be based on verifiable results determined on the field of play. The outcome is not affected by any wager placed. Approved governing bodies ensure that integrity safeguards are in place and participants in these events are subject to the governing body's integrity policy and code of conduct.

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

This wager type is currently approved in: AZ, CO, D.C., IN, IA, MD, MI, MS, NV, NJ, NY, OR, PA, TN, VA, WV, and WY

**DO NOT INSERT A LINK TO OTHER JURISDICTIONS.**

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

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

2022

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MAY 09 2022

SD COMMISSION ON GAMING-PIERRE

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

**Saturday      Sunday  
October 1st    October 2nd**

**Post Time 1:00 PM CST Both Days**

**Stanley County Fairgrounds, Ft. Pierre, SD**

**Verendrye Benevolent Association  
PO Box 426  
Fort Pierre, SD 57532**

**Entry Phone Numbers:  
Kent Cross (605)295-7163  
Melissa Cross (605)280-1767**

**Entry Contact Info:**

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



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

A \$500 Jockey Bonus will be available for all Riders who have met the eligibility requirements at conclusion of the 2022 VBA Race Meet.

The SD Commission on Gaming will be available to begin providing various racing licenses that required to participate in this race meet on September 27<sup>th</sup> at the Expo Center Meeting Room. You **must** have your 2021 SD License in hand to be eligible for a 2022 license renewal or else it will be treated as a new application.

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SD COMMISSION ON GAMING-PIERRE

## Verendrye Benevolent Association Track Rules for 2022

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1. Only horses which have successfully completed at least one race within the last year at a recognized Track (September 27, 2021 – September 27, 2022) or successfully completed two (2) timed works within the last six months (March 27, 2022-September 27, 2022) or both which must be recorded on Equibase, will be eligible to enter races offered at this race meet.

2. All horses competing at this race meet must be identified accurately by whichever means is deemed necessary by the Track Identifier saddling in the paddock area. Any horse which is not readily identifiable will not be allowed to compete at this race meet. Final discretion on these matters will be offered by the Track Identifier after consultation with the Stewards.

3. All races in this condition book will be written for a weight of 128 pounds unless otherwise specified or stated.

4. All races offered will be with SD Bred Preference unless otherwise specified in the Race Conditions. Certain races will be offered with Weights as a secondary factor in determining eligibility and will be clarified in the Race Conditions. Accumulated earnings in 2022 will be considered when determining High Weight Preference.

5. No horse will be allowed to compete more than one time within a 48 hour time period during this race meet.

6. Stalls available to all horses upon arrival at the Stanley County Fairgrounds beginning September 27<sup>th</sup> until October 3<sup>rd</sup>, 2022. Stall assignments will be offered in a cooperative manner under the discretion of the Stall Manager after presentation of a current and legitimate Certificate of Vet Inspection and Coggins. No stall fee will be assessed but rather a \$50 entrance fee will be assessed to all competing horses and paid to the VBA General either by cash or bankable check and presented to the VBA Assistant Bookkeeper.

7. If you enter a race with Pass The Box Fees, those Fees must be paid to the Horsemen's Bookkeeper by 10:00 AM CST Race Day.

8. Nomination Fees for races with Nomination requirements will be facilitated and collected by the organization specified upon the Nomination Form.

9. It is strongly recommended by the SD State Veterinarian and the Track Veterinarians that all horses be vaccinated for infectious diseases specifically Equine Herpes Virus. All horses entering the Stanley County Fairgrounds must be accompanied by a Certificate of Veterinary Inspection (CVI) from a licensed and accredited Veterinarian. Proof of a negative Coggins Test within the last twelve months and other relevant and important information must be listed on the CVI. An import permit number from the SD Animal Industry Board is required if a horse is entering a state with active cases of Vesicular Stomatitis. The CVI must be current and issued within the last 10 Days of entry into the Stanley County Fairgrounds. All CVI's will be checked at the barn area by VBA Personnel that have received the proper training from our Track Veterinarians in this area. No horses will be allowed to unload until this process has been completed. If an inspection is needed you may contact our Track Veterinarian, Murray Kettler at (605)222-0456 and arrange an appointment or contact the Veterinarian of your choice. Horses will be allowed admittance to the Stanley County Fairgrounds on Tuesday September 27<sup>th</sup>, 2022.

10. The VBA will take entries for Saturday, October 1<sup>st</sup> on Tuesday September 27<sup>th</sup> and entries for Sunday, October 2<sup>nd</sup> on Wednesday, September, 28<sup>th</sup>. Entries will be taken between the hours of 9:00 AM and 12:00 PM CST both days. Entries may be submitted by contact Kent Cross at (605)295-7163 or Melissa Cross at (605)280-1767. The VBA is requesting that an electronic photo of an entry registration document be submitted via text message to either of these contacts. We understand that this is not an option for all but do believe it may provide a bit of clarification in the entry process. ALL Papers for competing horses MUST be in the Racing Office no later than 12:00 PM on the day the horse is scheduled to compete. Failure to do so may result in a Scratch. VBA Officials will be present to begin receiving registration papers on Monday, September 26<sup>th</sup>, 2022 at 8:00 AM CST.

11. Officials of this VBA hosted race meet reserve the right to delay, postpone, modify or cancel any or all races which they deem necessary in order to preserve the safety of all involved due to adverse conditions. If overnight "scratches" result in a field of four (4) or less equine participants then in all likelihood that entire race will be cancelled.

12. The decisions of the Racing Stewards, in all related matters, are final, while entries are accepted only on the condition that all individuals entering/starting a horse in a race agree to abide by the decisions of the Racing Stewards.

13. Any change in horse ownership within 48 hours of entries must be approved by the Track Stewards.

14. Claiming Races. For a claim to be viable it must be placed in the Claim Box prior to the first horse with a rider aboard leaving the paddock area and entering the race track for the race in which the claim is being made. Funds to claim a horse MUST be Cash, Cashiers Check or Certified Check. These funds MUST be deposited into the Owners Account that specifically and identically matches the name on the claim card.

15. All wins of all races will be recorded by the Racing Secretary on the registration papers of race winning equine participants.

## Fort Pierre 2022 Officials

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

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SD COMMISSION ON GAMING-PIERR

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

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

State Steward: Larry Eliason  
Pierre, SD

Track Steward: Doug Runge  
Ft. Pierre, SD

Starter: Shane Kramme

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

16. All Exercise Riders, Jockeys and Outriders must obtain a current 2022 SD Racing License before entering the race track. All Exercise Riders, Jockeys, Outriders, Gate Crew, Owners, Trainers, Grooms, Pari Mutual Workers, and Track Officials are required to obtain a current 2022 SD Racing License to be in compliance with SDCG and VBA Track Rules. You must have your 2021 SD Racing License in order to be eligible for renewal in 2022 or it will be treated as a new application.

17. All Exercise Riders and Jockeys MUST Wear Flack Jackets and Helmets while performing on the race track in any capacity.

18. We follow ARCI's most recent guidelines regarding Controlled Therapeutic Medication Schedule which provides the permitted quantitative amounts. I.E. the threshold for phenylbutazone is 0.3 micrograms milliliter of plasma or serum.

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MAY 09 2022

SD COMMISSION ON GAMING-PIERRE

Fort Pierre

Day 1

Saturday, October 1, 2022

Enter Tuesday, September 27, 2022

Thoroughbred Claiming

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MAY 09 2022

SD COMMISSION ON GAMING-PIERRE

FIRST RACE

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

FIVE FURLONGS

Thoroughbred Allowance

SECOND RACE

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

FIVE FURLONGS

Certified SD Bred QH Futurity  
Quarter Horse Stakes  
Certified South Dakota Bred

THIRD RACE

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

SD

TWO HUNDRED AND FIFTY YARDS

Thoroughbred Allowance

FOURTH RACE

4 Purse \$5,000. (Includes \$4,500 from SD Commission on Gaming Revolving Fund)(Includes \$500 from Verendrye Benevolent Association)) For Three Year Olds and Upward Which Have Not Won Three Races in 2022.  
Three Year Olds ..... 128 lbs. Older ..... 128 lbs.

FIVE FURLONGS

Quarter Horse Allowance

FIFTH RACE

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

TWO HUNDRED AND FIFTY YARDS

**Fort Pierre**

Day 1

**Saturday, October 1, 2022**

Enter Tuesday, September 27, 2022

*Governor's Feature  
Thoroughbred Allowance  
Fillies & Mares*

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MAY 09 2022

SD COMMISSION ON GAMING-PIERRE

**SIXTH RACE**

**6** Purse \$7,000. For Fillies And Mares Three Years Old and Upward Purse Includes \$4,500 from the SD Bred Fund for Open Races; \$2,000 from SD Commission on Gaming Revolving Fund; and 100% of Pass The Box Fees.  
Three Year Olds ..... 128 lbs. Older ..... 128 lbs.  
High Weights Preferred by Earnings in 2021 & 2022. \$100 to Pass the Box Due at Time of Entry

**ABOUT ONE MILE**

*Certified SD Bred Thoroughbred Stakes Race  
Certified South Dakota Bred*

**SEVENTH RACE**

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

**SD**

**FIVE FURLONGS**

*Quarter Horse Allowance*

**SUBSTITUTE RACE NO 1**

**S1** Purse \$5,000. (Includes \$4,500 from SD Commission on Gaming Revolving Fund)(Includes \$500 from Verendrye Benevolent Association)) For Three Year Olds and Upward Which Have Never Won 2 Races.  
Three Year Olds ..... 128 lbs. Older ..... 128 lbs.

**TWO HUNDRED AND FIFTY YARDS**

*Thoroughbred Maiden Allowance*

**SUBSTITUTE RACE NO 2**

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

All Entries Must have had at least 2 Starts at a Recognized Track in 2022

**FIVE FURLONGS**

*Thoroughbred Claiming  
Fillies & Mares*

**SUBSTITUTE RACE NO 3**

**S3** Purse \$5,000. (Includes \$4,500 from SD Commission on Gaming Revolving Fund)(Includes \$500 from Verendrye Benevolent Association)) For Fillies And Mares Three Years Old and Upward.  
Three Year Olds ..... 128 lbs. Older ..... 128 lbs.  
CLAIMING PRICE \$7,500

**FIVE FURLONGS**

**Fort Pierre**

Day 2

Sunday, October 2, 2022

Enter Wednesday, September 28, 2022

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MAY 09 2022

SD COMMISSION ON GAMING-PIE1

**FIRST RACE**

*Thoroughbred Claiming*

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

**FIVE FURLONGS**

*Thoroughbred Allowance  
Fillies & Mares*

**SECOND RACE**

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

**FIVE FURLONGS**

*SD Bred QH Derby  
Quarter Horse Stakes  
Certified South Dakota Bred*

**THIRD RACE**

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

**TWO HUNDRED AND FIFTY YARDS**

*Quarter Horse Claiming*

**FOURTH RACE**

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

**TWO HUNDRED AND FIFTY YARDS**

*Thoroughbred Claiming*

**FIFTH RACE**

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

**FIVE FURLONGS**

*SD Bred Quarter Horse Maturity  
Certified South Dakota Bred*

**SIXTH RACE**

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

**TWO HUNDRED AND FIFTY YARDS**



**Fort Pierre**

Day 2  
Sunday, October 2, 2022  
Enter Wednesday, September 28, 2022

Fort Pierre Mile  
Thoroughbred Allowance

**RECEIVED**

MAY 09 2022

SD COMMISSION ON GAMING-PIERRE

**SEVENTH RACE**

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

**ABOUT ONE MILE**

Thoroughbred Claiming

**SUBSTITUTE RACE NO 1**

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

**FIVE FURLONGS**

Thoroughbred Claiming

**SUBSTITUTE RACE NO 2**

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

**FIVE FURLONGS**

Quarter Horse Allowance

**SUBSTITUTE RACE NO 3**

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

**TWO HUNDRED AND FIFTY YARDS**

SD Bred Quarter Horse Stakes  
Certified South Dakota Bred

**SUBSTITUTE RACE NO 4**

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

**SD**

**TWO HUNDRED AND FIFTY YARDS**



**FORT PIERRE HORSE RACING  
2022 OFFICIALS**

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SD COMMISSION ON GAMING-PIERR

**General Manager**

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

**Racing Secretary**

**Kent Cross  
Pierre, SD  
(605) 295-7163**

**Presiding Steward**

**Lloyd Just  
Aberdeen,SD  
(605) 380-2461**

**State Steward**

**Larry Eliason  
Pierre, SD**

**Track Steward**

**Doug Runge  
Fort Pierre, SD**

**Starter**

**Shane Kramme**

**Entries**

**(605) 295-7163  
(605) 280-1767**



**RECEIVED**

MAY 09 2022



SD COMMISSION ON G

**South Dakota Quarter Horse Racing Association  
Verendrye Benevolent Association Quarter Horse Stakes**

Verendrye Benevolent Assoc. South Dakota Bred Futurity 2022

250 yards

(\$12,500 added in SD Bred Funds plus nominations)

Nomination – July 8, 2022 \$500

Late Payment until time of entry \$1,000

Finals: October 1, 2022

Verendrye Benevolent Assoc. South Dakota Bred Derby 2022

250 yards

(\$12,500 added in SD Bred Funds plus nominations)

Nomination – July 8, 2022 \$500

Late Payment until time of entry \$1,000

Finals: October 2, 2022

Fields limited to eight horses. Should more than eight horses enter, monies won will determine horses eligible.

For those horses unable to run, nomination fees will be refunded within 30 days after the race.  
To be eligible for year end awards, all owners must be paid members of the SDQHRA Association.

Membership dues are \$40 and checks should be made payable to SDQHRA and mailed to the address below.

Nomination Form

NAME OF HORSE (Sire-Dam)

\_\_\_\_\_ Color \_\_\_\_\_ Sex \_\_\_\_\_ Age \_\_\_\_\_

Trainer:

Owner:

Permanent Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Remit all membership dues, nominations, and Breeder's Certificates to:

SDQHRA, C/O Mike Lemburg, PO Box 332, Bison, SD 57620 Phone: (605) 244-5521 Cell: (605) 484-6468  
*Post and Save*

**2022 South Dakota Thoroughbred Association  
Verendrye Benevolent Association Stakes Race**

For  
South Dakota Bred Thoroughbreds 3 Year Olds and Up in 2022.  
Race Distance is 5 Furlongs

**RECEIVED**

Nominations are Due by August 1<sup>st</sup>, 2022 @ \$500 Per Horse. MAY 09 2022  
Late Nomination Payment Can be Made Until Time of Entry @ \$1,000 Per Horse. SD COMMISSION ON GAMING-PIE

Race to be held October 1<sup>st</sup>, 2022 in Ft. Pierre, SD

\$12,500 in Guaranteed Added Money from the South Dakota Bred Fund  
Plus 100% of Nomination Fees.

Field is restricted to 8 Head. In the event of more than 8 Entries, the money earned in 2022  
(High Weights Preferred) will determine eligibility.  
Each entry must adhere to Track Rules set forth to remain eligible for entry.

If an entry is unable to participate due to ineligibility, 100% of Nomination Fee will be returned.

Nomination Fees to be paid to the SDTRA and mailed or presented to:

**Melissa Cross**  
**20220 Grey Goose Road**  
**Pierre, SD 57501**

To be eligible for this race All Horses entering Must be Certified South Dakota Bred.  
To be eligible for Year End Awards, All Owners must be paid members of the SDTRA. Members  
Dues are \$40.00 and should be made payable to the SDTRA and mailed or presented to Melissa Cross  
at the above address. Breeder's Certificates and Certification Fees should also be mailed or presented  
to Melissa Cross.

**Nomination Form**

Name of Horse: \_\_\_\_\_  
Sire: \_\_\_\_\_  
Dam: \_\_\_\_\_  
Age: \_\_\_\_\_  
Owner: \_\_\_\_\_  
Owner Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_



**SOUTH DAKOTA COMMISSION ON GAMING**

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

**RESOLUTION NUMBER 06-22-22-01**

The South Dakota Commission on Gaming hereby makes the following allocations for purse supplements and racing operations to the Verendrye Benevolent Association for the 2022 live horse racing season:

From the South Dakota Bred Racing Fund:

\$50,000.00 for purses for races that are restricted to South Dakota bred horses including stakes races;

\$9,000.00 for purses for open races

\$500.00 per racing day from the South Dakota Bred Racing Fund, not to exceed a maximum of \$1,000.00 for point money for South Dakota bred horses that compete in races that are not restricted to South Dakota bred horses and on which pari mutuel wagers are accepted at the Stanley County Fairgrounds

\$1,500.00 per racing day from the South Dakota Bred Racing Fund, not to exceed a maximum of \$3,000.00, for bonuses paid to the breeder of the winner of every race won by a South Dakota Bred horse

From the Special Racing Revolving Fund:

\$79,080.00 from for racing operations

\$40,000.00 from Special Racing Revolving Fund for purses

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

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

These funds shall be made available to the race tracks upon approval of vouchers by the Executive Secretary and the purpose for which these funds are used shall be subject to an audit by the Commission's audit staff after the financial reports required by ARSD 20:04:20:10 have been furnished to the Commission. Any funds that are disbursed to the corporation or association that are not used as specified above are required to be returned to the South Dakota Commission on Gaming and made available for 2023 race season's allocation.

The Executive Secretary is authorized to withhold \$ 2,800.00 from the distribution of the \$79,080.00 allocated to the Verendrye Benevolent Association for operations as a guaranteed payment of taxes and fees to the Commission until such time as the association has paid in full all taxes and fees due the Commission for the 2022 racing season.

**VERENDRYE BENEVOLENT ASSOCIATION**  
**Track Operations Budget**  
 To be derived from the Revolving Fund  
 in support of 2022 VBA – Fort Pierre Horse Racing

**RECEIVED**

MAY 09 2022

SD COMMISSION ON GAMING-PIERRI

<b>Insurance-</b>	
Jockey Insurance -	
Exercise Rider -	\$27,955.
Event Cancellation -	\$ 1,800
<b>Labor –</b>	\$ 1,200
Track Manager and Assistant -	
Racing Secretary -	\$ 2,000
Horsemen’s Book Keeper -	\$ 3,000
Accounts Manager -	\$ 4,000
Track Maintenance Supervisor -	\$ 4,000
Identifier -	\$ 1,000
Starter and Gate Crew (10) -	\$ 600
Jock Room Custodian and Clerk of Scales -	\$ 5,000
Outriders (2) -	\$ 800
Track Veterinarian -	\$ 1,000
Track Steward -	\$ 1,000
Track Announcer -	\$ 400
Pari-Mutuel Manager -	\$ 800
Money Room Manager -	\$ 1,000
Pari- Mutuel Tellers (10) -	\$ 1,000
<b>Services –</b>	\$ 3,000
Timer, Tote and Video -	
Ambulance Standby -	\$ 4,500
Entry Support - TruForm	\$ 1,625
Clean Up and Trash Removal -	\$ 1,000
Program Sales and Admissions -	\$ 800
Track Setup and Repairs -	\$ 600
Racing Program Production -	\$ 500
Condition Book Production -	\$ 3,100
<b>Security –</b>	\$ 500
Money Room -	
Back Gate and Barn Area	\$ 800
Paddock Entrance -	\$ 1,000
<b>Rental and Lease –</b>	\$ 600
Stanley County Fairgrounds -	
Expo Center Meeting Room -	\$ 4,000
Copier -	\$ 300
<b>Other –</b>	\$ 200
Taxes Withheld -	
Jockey Bonus -	\$ 2,800
<b>Total Track Operations Budget Request Amount -</b>	<b>\$ 5,000</b>
	<b>\$ 86,880</b>

VERENDRYE BENEVOLENT ASSOCIATION  
PO BOX 426  
FORT PIERRE, SD 57532

RECEIVED  
MAY 09 2022  
SD COMMISSION ON GAMING-PIERRE

April 18<sup>th</sup>,2022

The Verendrye Benevolent Association is formally submitting this Funding Request to the South Dakota Commission on Gaming. If fulfilled, this funding would be used to support, conduct and incentivize Fort Pierre Horse Racing. This event would take place on the previously approved dates of October 1<sup>st</sup> and 2<sup>nd</sup>, 2022 at the Stanley County Fairgrounds in Fort Pierre, SD. The VBA looks forward with exuberance and anticipation in hosting this perennial event, as it has done since its beginning in 1948. The VBA understands the benefits that this time honored event provides for our community, state and equine industry as whole as, well as providing an agricultural experience that allows producers an opportunity to proudly display their equine athletes. Furthermore, the VBA would like to sincerely thank the South Dakota Commission on Gaming for its past support and future considerations in these matters.

Shane Kramme  
Verendrye Benevolent Association  
General Manager and Vice President



**VERENDRYE BENEVOLENT ASSOCIATION  
2022 Funding Request Totals**

**South Dakota Revolving Fund:**

Track Operations -	\$86,880
“Open” Purse Funding -	\$40,000
<b>SD Revolving Fund request Total =</b>	<b><u>\$ 126,880</u></b>

**South Dakota Bred Fund:**

Specific SD Bred Races (4) Purse Funding -	\$50,000
Allowed as 25% of SD Bred Funding to be used as purse structure for “Open” races	\$ 9,000
<b>SD Bred Fund request Total =</b>	<b><u>\$ 59,000</u></b>

**SD Bred Fund (earmarked) -** **\$ 2,250**

**Total Funding Request + Earmark =  
\$188,130.00**

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**MAY 09 2022**

**SD COMMISSION ON GAMING-PIERRE**

**VERENDRYE BENEVOLENT ASSOCIATION  
Funding Request**

The Verendrye Benevolent Association formally requests that \$40,000 be drawn from the SD Revolving Fund . These funds would be placed in the VBA Horsemen's Account and utilized as guaranteed purse structure to conduct "Open" races at VBA- Fort Pierre Horse Racing.

**Total request amount = \$40,000**

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MAY 09 2022

**SD COMMISSION ON GAMING-PIERRE**



**VERENDRYE BENEVOLENT ASSOCIATION**  
**Funding Request**

The Verendrye Benevolent Association formally requests that \$50,000 be drawn from the SD Bred Fund. These funds would be utilized as guaranteed purse structure to conduct specific SD Bred races at 2022 VBA- Fort Pierre Horse Racing. These intended races include the SD Bred QH Futurity, SD Bred QH Derby, SD QH Maturity and the SD Bred Thoroughbred Stakes. Each of these races would utilize \$12,500 in SD Bred Funds, resulting in the distribution of \$50,000 in SD Bred Funds to qualifying participants. If any of these intended races should not be ran for any reason these funds would be returned to the SD Commission on Gaming and subsequently the SD Bred Fund for future use.

**Total request amount = \$50,000**

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**MAY 09 2022**

**SD COMMISSION ON GAMING-PIERRE**

**VERENDRYE BENEVOLENT ASSOCIATION**  
**Funding Request**

The Verendrye Benevolent Association formally requests that \$9,000 be drawn from the SD Bred Fund. These funds would be utilized as allowed for guaranteed purse structure for intended "Open" races at 2022 VBA- Fort Pierre Horse Racing. These requested funds are considered a portion of the allowed 25% allocation from the SD Bred Fund as funding for "Open" races.

**Total request amount = \$9,000**

**RECEIVED**

**MAY 09 2022**

**SD COMMISSION ON GAMING-PIERRE**

**VERENDRYE BENEVOLENT ASSOCIATION**  
**Funding Request**

The Verendrye Benevolent Association formally requests that \$1,250 from the SD Bred Fund be earmarked as requested funding. A portion or all of these funds are to be utilized to compensate qualified SD Breeders who have won a SD Bred Race at 2022 VBA- Fort Pierre Horse Racing. The VBA will submit an exact total along with a comprehensive report at the conclusion of our annual race meet and formally request this funding.

**Total requested earmarked amount = \$1,250**

**RECEIVED**

MAY 09 2022

SD COMMISSION ON GAMING-PIERRE

**VERENDRYE BENEVOLENT ASSOCIATION**  
**Funding Request**

The Verendrye Benevolent Association formally requests that \$1,000 from the SD Bred Fund be earmarked as requested funding. A portion or all of these funds are to be utilized to compensate qualified SD Bred owners who have competed in an "Open " race at 2022 VBA- Fort Pierre Horse Racing with a qualified SD Bred equine. The VBA will submit an exact total along with a comprehensive report at the conclusion of our annual race meet. These funds will then be distributed accordingly through the SD Bred Points system.

**Total requested earmarked amount = \$1,000**

**RECEIVED**

**MAY 09 2022**

**SD COMMISSION ON GAMING-PIERRE**



## SOUTH DAKOTA COMMISSION ON GAMING

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

### RESOLUTION NUMBER 06-22-22-02

**Section 1.** The executive Secretary is authorized to reimburse the Verendrye Benevolent Association from the Special Racing Revolving Fund for longevity payments to licensed jockeys who participate in races in South Dakota for the 2022 season according to the following criteria:

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

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



## SOUTH DAKOTA COMMISSION ON GAMING

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TO: Commissioners  
FROM: Susan Christian, Executive Secretary  
SUBJECT: Track Bond and Insurance  
DATE: June 22, 2022

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

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

Verendrye Benevolent Association \$ 25,000.00



**SOUTH DAKOTA COMMISSION ON GAMING**

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

**TO: Commissioners**

**FROM: Susan Christian, Executive Secretary**

**DATE: June 22, 2022**

**SUBJECT: Approval 2022 Verendrye Benevolent Association Racing Official-Ft. Pierre**

Pursuant to 20:04:20:18 staff recommends the Commission approve the following persons to serve as the Verendrye Benevolent Association Racing Officials:

General Manager and Starter - Shane Kramme

Assistant General Manager and Assistant Starter - Scott Hoyt

Racing Secretary and Handicapper - Kent Cross

Starter - Shane Kramme

Horsemen's Bookkeeper-Kacee Etzkorn

Clerk of Scales - David Kramme

Jockey Room Custodian - David Kramme

Horse Identifier - Jerry Duncan

Paddock Judge - Jerry Duncan

Parimutuel Manager – Linda Brown

Timer-Tony Harris

Track Maintenance Supervisor- Ken Olson

VBA Track Steward - Doug Runge

Outriders - Bryon Biwer , Everett Langland

Veterinarian – Murray Ketteler



## SOUTH DAKOTA COMMISSION ON GAMING

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

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

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

**General Authority:**SDCL [42-7-56\(13\)](#).

**Law Implemented:**SDCL [42-7-56\(10\)\(13\)](#).





**SOUTH DAKOTA COMMISSION ON GAMING**

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

**TO:** Commissioners  
**FROM:** Susan Christian, Executive Secretary  
**DATE:** June 22, 2022  
**SUBJECT:** Appointment of SDCG Horse Racing Officials

Pursuant to ARSD 20:04:20:18 staff recommends the Commission approve the following persons to serve as Commission racing officials for the 2022 racing season:

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



## SOUTH DAKOTA COMMISSION ON GAMING

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

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

**General Authority:**SDCL [42-7-56\(13\)](#).

**Law Implemented:**SDCL [42-7-56\(10\)\(13\)](#).

STATE OF SOUTH DAKOTA  
CONSULTING CONTRACT

Agreement made and entered into this 22nd day of June, 2022, by and between the South Dakota Commission on Gaming, a state agency, of 445 East Capitol Avenue, Suite 101, Pierre, South Dakota, 57501 (the "State") and Cooper Animal Clinic, 39224 133<sup>rd</sup> Street, Aberdeen, South Dakota, 57401 phone number (605) 225-3500 (the "Consultant").

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

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

2. The Consultant's services under this Agreement shall commence on October 1, 2022 and end on December 31, 2022 unless sooner terminated pursuant to the terms hereof.

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

4. The State will make payment for services upon satisfactory completion of the services. The TOTAL CONTRACT AMOUNT is an amount not to exceed \$16,550.00. The State will not pay Consultant's expenses as a separate item. Payment will be made pursuant to itemized invoices submitted with a signed state voucher. Payment will be made consistent with SDCL ch. 5-26.

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

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

A. Professional Liability Insurance or Miscellaneous Professional Liability Insurance:

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

B. Business Automobile Liability Insurance:

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

C. Worker's Compensation Insurance:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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


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

STATE

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

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

CONSULTANT

BY:  \_\_\_\_\_  
Roger D. Cooper, DVM  
Cooper Animal Clinic

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



# EXHIBIT A

## SCOPE OF WORK

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

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

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



STATE OF SOUTH DAKOTA  
CONSULTING CONTRACT

AGREEMENT made and entered into this 22nd of June 2022, by and between South Dakota Commission on Gaming, a state agency, of 445 East Capitol Avenue, Pierre, South Dakota 57501 (the "State") and Center for Tox Services, 1819 West Drake Drive, Suite 102, Tempe, Arizona 85283 (the "Consultant"), phone (480) 345-7454.

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

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

2. This contract shall begin on October 1, 2022 and end on December 31, 2022 unless sooner terminated pursuant to the terms hereof.

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

4. The State will make payment for services upon satisfactory completion of the services. The TOTAL CONTRACT AMOUNT is an amount not to exceed \$19,000.00 that may include travel expenses experienced by Consultant. All travel expenses shall be approved by the Executive Secretary of the South Dakota Commission on Gaming prior to such travel. Payment will be made pursuant to itemized invoices.

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

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

A. General Liability Insurance or Miscellaneous Professional Liability Insurance:

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

B. Worker's Compensation Insurance:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

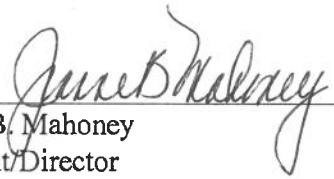
17. All other prior discussions, communications and representations concerning the subject matter of this Agreement are superseded by the terms of this Agreement, and except as specifically provided herein, this Agreement constitutes the entire agreement with respect to the subject matter hereof.

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

STATE

CONSULTANT

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

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

BY: \_\_\_\_\_  
Mike Houdyshell  
Secretary  
Department of Revenue

- State Agency Coding(MSAS Center) 0293000633
- State Agency MSAS Company for which the contract will be paid 3037
- Object/ sub object MSAS account to which the voucher will be coded 520128000
- Name and phone number of contact person who can provide additional information regarding this contract Susan Christian 605-773-6051

## EXHIBIT A

Consultant will provide official laboratory testing services for the South Dakota Commission on Gaming for the 2022 live horse racing season at Fort Pierre , South Dakota 57532.

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

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

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

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

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

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

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

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

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

- At least 3 ice packs per shipping container

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



**SOUTH DAKOTA COMMISSION ON GAMING**

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

**COOPERATIVE AGREEMENT**

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

The South Dakota Commission on Gaming agrees to reimburse the Stanley County Sheriff's Office for providing additional law enforcement services on the Stanley County Fairgrounds from 12:00 noon until 8:00 PM(CDT) on Saturday, October 1, 2022 and from 12:00 noon until 6:00 PM (CDT) on Sunday, October 2, 2022.

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

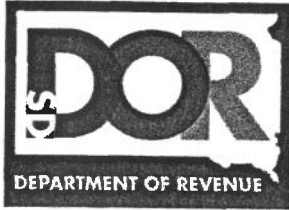
The South Dakota Commission on Gaming agrees to reimburse the Stanley County Sheriff's Office a total amount not to exceed One Thousand One Hundred and Twenty Dollars (\$1,120.00) for the cost of providing these additional laws enforcement services.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 2022

\_\_\_\_\_  
BRADLEY RATHBUN  
SHERIFF  
STANLEY COUNTY

\_\_\_\_\_  
SUSAN CHRISTIAN  
EXECUTIVE SECRETARY  
S.D. COMMISSION ON GAMING





## SOUTH DAKOTA COMMISSION ON GAMING

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

### South Dakota Commission on Gaming Licensing

June 22, 2022

#### Key License

Grace Ellenbecker  
Adam Rogge  
Jason Dinan  
Cory Heintz

#### Business License Approval

Staff would recommend approval of an associated equipment license (**12499-AE**) for United Tote, and the following individuals who are associated with the company.

Benjamin Murr,	Nathaniel Simon,	Daniel Harrington
William Carstanjen,	Paul Varga,	Robert Fealy
Douglas Grissom,	Richard Rankin,	Ulysses Bridgeman Jr.
Karlo Lloyd		

Staff would recommend approval of an associated equipment license (**12634-AE**) for Overlay Gaming Corp. and the following individual who is associated with the company.

Jonathan Friedberg

Staff would recommend approval of a Sports Wagering Service Providers license (**12217-SW**) FSB Technology (USA) Inc. with the approved conditions, and the following individuals who are associated with the company.

Robert Akert, Jr.,	Samuel Lawrence,	David McDowell,
Glenn Elliott,	Andrew Bowen,	Kenneth Rotman,
Michael Wagman,	Mohit Kansal,	Daniel Cheng.



Staff would recommend approval of Main Ledge, LLC for an Operator's license (12782-OP) and 2 retail license (12783-RT and 12784-RT).

Staff would recommend approval of Caledonia Ledge, LLC for a Gaming Property Owner's license (12785-PO).

Staff would recommend approval of Sportsbook Deadwood, LLC for an Operator's License (12415-OP) and 3 retail licenses (12416-RT, 12417-RT and 12418-RT) and the following individuals who are associated with the company

Gerard Keating,	Alec Keating,	Paul Mendlik,
Thomas Chvala,	Tracy Chvala	

Staff would recommend approval of KR Deadwood Sherman Street 2020, LLC for a Gaming Property Owner's license (12419-PO).

Staff would recommend approval of Tyler Peterson as an owner of a retail license (12570-OW and 12569-RT)

### **Business License Renewal**

Please see the attached 2 page Business License Renewal 2022-2023 sheets

**BUSINESS LICENSE RENEWAL – 2022-2023**

**OPERATOR, ROUTE OPERATOR & RETAIL LICENSES**

AGT- ACES FULL INC			
MR. WU'S 1	11022-OP	GR DWD LLC	0187-OP
MR. WU'S 2	11159-RO	MINERAL PALACE 1	0299-RT
MR. WU'S 3	11575-RT	MINERAL PALACE 2	0300-RT
	11576-RT	MINERAL PALACE 3	0301-RT
	11577-RT	MINERAL PALACE 4	0540-RT
		MINERAL PALACE 5	0541-RT
BLACK DIAMOND CAPITAL LLC	0231-OP	MINERAL PALACE 6	0542-RT
GOLD DUST 1	0588-RT	MINERAL PALACE 7	0543-RT
GOLD DUST 2	0589-RT	MINERAL PALACE 8	0544-RT
GOLD DUST 3	0590-RT	MINERAL PALACE 9	0545-RT
GOLD DUST 4	0591-RT	MINERAL PALACE 10	0546-RT
GOLD DUST 5	0592-RT	MINERAL PALACE 11	0547-RT
GOLD DUST 6	0593-RT	MINERAL PALACE 12	0548-RT
GOLD DUST 7	0594-RT		
GOLD DUST 13 (777)	0610-RT	MIDNIGHT STAR, LLC	
GOLD DUST 14 (777)	0611-RT	MIDNIGHT STAR 1	11633-OP
GOLD DUST 15 (777)	0612-RT	MIDNIGHT STAR 2	11634-RT
			11635-RT
BLUE SKY GAMING INC			
TIN LIZZIE 1	0199-OP	SALOON GAMBLING INC	0103-OP
TIN LIZZIE 2	0313-RT	SALOON GAMBLING INC 1	0011-RT
TIN LIZZIE 3	0314-RT	SALOON GAMBLING INC 2	0063-RT
TIN LIZZIE 4	0315-RT	SALOON GAMBLING INC 3	0393-RT
TIN LIZZIE 5	0524-RT		
TIN LIZZIE 6	0525-RT	SUPER G INVESTMENT CO	0114-OP
TIN LIZZIE 7	0604-RT		0004-RO
TIN LIZZIE 8	0605-RT	SILVERADO 1	0058-RT
TIN LIZZIE 9	0606-RT	SILVERADO 2	0134-RT
TIN LIZZIE 12	0609-RT	SILVERADO 3	10862-RT
TIN LIZZIE 13	0613-RT	SILVERADO 4	10863-RT
		SILVERADO 5	10864-RT
		SILVERADO 6	0147-RT
		SILVERADO 7	10865-RT
BY DEVELOPMENT INC		FRANKLIN 1	10866-RT
CADILLAC JACKS 1	0196-OP	FRANKLIN 2	10867-RT
CADILLAC JACKS 2	0302-RT	FRANKLIN 3	10868-RT
CADILLAC JACKS 3	0303-RT	FRANKLIN 4	10869-RT
CADILLAC JACKS 4	0304-RT	FRANKLIN 5	10870-RT
CADILLAC JACKS 5	0526-RT	FRANKLIN 6	10871-RT
CADILLAC JACKS 6	0527-RT		
CADILLAC JACKS 7	0528-RT	THE LODGE AT DWD -DWD RESORTS LLC	0217-OP
CADILLAC JACKS 8	0529-RT	THE LODGE AT DEADWOOD 1	0469-RT
CADILLAC JACKS 9 (SHS4)	0530-RT	THE LODGE AT DEADWOOD 2	0470-RT
CADILLAC JACKS 10	0530-RT	THE LODGE AT DEADWOOD 3	0471-RT
	0597-RT	THE LODGE AT DEADWOOD 4	0533-RT
	10860-RT	THE LODGE AT DEADWOOD 5	0534-RT
		THE LODGE AT DEADWOOD 6	0535-RT
		THE LODGE AT DEADWOOD 7	0536-RT
		THE LODGE AT DEADWOOD 8	0537-RT
		THE LODGE AT DEADWOOD 9	0538-RT
		THE LODGE AT DEADWOOD 10	0539-RT
DGR-ERNEST HOSPITALITY			
DGR 1	12042-OP	ZCN LLC	11382-OP
DGR 2	12175-RT	DEADWOOD MT GRAND 1	11383-RT
DGR 3	12176-RT	DEADWOOD MT GRAND 2	11384-RT
DGR 4	12177-RT	DEADWOOD MT GRAND 3	11385-RT
DGR 5	12178-RT	DEADWOOD MT GRAND 4	11386-RT
	12179-RT	DEADWOOD MT GRAND 5	11387-RT
		DEADWOOD MT GRAND 6	11388-RT
		DEADWOOD MT GRAND 7	11389-RT
DEALS PUBLICATIONS			
CELEBRITY 1	0197-OP		
CELEBRITY 2	11567-RT		
CELEBRITY 3	11568-RT		
	12311-RT		
FIRST GOLD INC			
HORSESHOE 1	0120-OP		
BLACKJACK 2	0011-RO		
FIRST GOLD 3	0079-RT		
FIRST GOLD 4	0081-RT		
FIRST GOLD 5	0208-RT		
FIRST GOLD 6	0567-RT		
FIRST GOLD 7	0568-RT		
FIRST GOLD 8	0569-RT		
FIRST GOLD 9	0570-RT		
FIRST GOLD 10	0571-RT		
FIRST GOLD 11	0572-RT		
	0573-RT		
	0584-RT		

**OTHER ASSIGNED LICENSES**

MIDWEST MOTELS OF DWD	11330-OP
BODEGA 1 – MIDWEST MOTELS OF DWD	11331-RT
BODEGA 2 – MIDWEST MOTELS OF DWD	11332-RT
BODEGA 3 – MIDWEST MOTELS OF DWD	11333-RT
BULLOCK 1 –DBUH, LLC	11985-RT
BULLOCK 2 –DBUH, LLC	11964-RT
DOOR 4, LLC-FAIRMONT	12187-RT
DOOR 4, LLC-FAIRMONT	12188-RT
DOOR 4, LLC-FAIRMONT	12567-RT
GOLD COUNTRY INN-WILLY'S WILD WEST INC	0596-RT
HICKOKS 1-DHIH, LLC	11965-RT
HICKOKS 2-DHIH, LLC	11966-RT
HICKOKS 3-DHIH, LLC	11967-RT
IRON HORSE INN – LATCHSTRING GETAWAYS	11505-RT
MARTIN MASON BLDG 1	0317-RT
MARTIN MASON BLDG 2	0318-RT
MUSTANG SALLY - T KEEHN	12284-OP
MUSTANG SALLY 1 – T KEEHN	0220-RT
SUPER 8 1 – GOLD RUN LLC	11110-RT
SUPER 8 2 – GOLD RUN LLC	11111-RT
SUPER 8 3 – GOLD RUN LLC	11112-RT
VFW	0017-RT
WOODEN NICKEL CASINO	0316-RT
DEADWOOD PARKING LOTS, LLC	0003-PO
LAMAR FEED & GRAIN, LLC	11636-PO
OPTIMA LLC-DBA TRUE BY HILTON	0005-PO
WWW, LLC	0002-PO

**OPERATOR, ROUTE OPERATOR & UNASSIGNED LICENSES**

AGT-MICHAEL TRUCANO	0230-OP
AGT-MICHAEL TRUCANO	10858-RO
MICHAEL TRUCANO-OLD IRON HORSE INN	0583-RT
PEGGY MAHER	0129-OP
SHARON GOULD	10355-OP
1911 HOLDINGS	10020-OP
TIM & MONICA CONRAD	0108-OP
DAKAM MOHAMED DAKAM	0264-RT
CHRIS GOULD	0440-RT
SRK DEVELOPMENT	11623-RT
CLARK & APEX, LLC	12150-OP
CLARK & APEX, LLC-1	12135-RT
CLARK & APEX, LLC-2	12134-RT
DEADWOOD LEGACY HOLDINGS	12000-RT

**DISTRIBUTORS**

UNIVERSAL GAMING RESOURCES, LLC	0121-DS
DYNAMIC GAMING SOLUTIONS SD LLC	11328-DS

**MANUFACTURERS**

AGS, LLC	0130-MA
AINSWORTH GAMING TECHNOLOGY	11549-MA
ARISTOCRAT TECHNOLOGIES INC	0108-MA
ARUZE GAMING INC	0133-MA
EVERI GAMES INC (MULTIMEDIA)	0131-MA
HARMS VENDING	0129-MA
IGT	0101-MA
INCREDIBLE TECHNOLOGIES INC	10735-MA
INTERBLOCK D.D.	0124-MA
JCM AMERICAN CORP	0132-MA
KONAMI GAMING INC	0128-MA
NOVOMATIC AG	11561-MA
NRT TECHNOLOGY CORP	0125-MA
PATRIOT GAMING & ELECTRONIC INC	10044-MA
SCIENTIFIC GAMES INC	0114-MA
TABLE TRAC INC	0127-MA

**ASSOCIATED EQUIPMENT MANUFACTURER**

AVALON GAMING INC	10877-AE
COUNTR GMBH	11376-AE
EVERI PAYMENTS	12300-AE
GAMING PARTNERS INTERNATIONAL USA	10983-AE
GAMING & ENTERTAINMENT TOUCH TECH	11146-AE
GLOBAL PAYMENTS GAMING SERVICES	11790-AE
M3 TECHNOLOGY SOLUTIONS LLC	11293-AE
QUANTUM SYSTEMS SOLUTIONS	11617-AE

**SPORTS WAGERING SERVICE PROVIDERS**

BETMGM. LLC	12269-SW
DAKOTA GAMING GROUP, LLC	12215-SW
DAKOTA GAMING GROUP, LLC	12625-RO
IGT	12241-SW
INTERNET SPORTS INTERNATIONAL	12253-SW
RUSHMORE GAMING LLC	12216-SW
RUSHMORE GAMING LLC	12626-RO



**SOUTH DAKOTA COMMISSION ON GAMING**

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

**MEMORANDUM**

DATE: March 20, 2022  
TO: South Dakota Commission on Gaming  
FROM: S/A Brian Swets  
SUBJECT: Grace Ellenbecker

Grace has had a support license on and off since 2013. She is currently working at Deadwood Gulch Resort as the General Manager. Grace has applied for a key license due to her position as General Manager.

Concerns: None

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



**SOUTH DAKOTA COMMISSION ON GAMING**

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

**MEMORANDUM**

DATE: April 13, 2022  
TO: South Dakota Commission on Gaming  
FROM: S/A Brian Swets  
SUBJECT: Adam Rogge – 12682-22-KY

Adam has had a support license since September 2013. He is currently working at the Gold Dust Casino as a floor supervisor. Adam has applied for a key license due to his position as a floor supervisor.

Concerns: None

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



**SOUTH DAKOTA COMMISSION ON GAMING**

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**MEMORANDUM**

**DATE:** April 25<sup>th</sup>, 2022  
**TO:** South Dakota Commission on Gaming  
**FROM:** Brandon Snyder  
**SUBJECT:** Jason Edward Dinan  
**LIC. #:** 12676-22-KY

The applicant is currently working for Cadillac Jack's as a slot technician/floor supervisor. He has been employed there since January 2022. Jason has had a support license since December 2021 with no derogatory action on his license. He is seeking a key license for his current application and future opportunities.

**Concerns:** None

**Recommendation:** Approval



**SOUTH DAKOTA COMMISSION ON GAMING**

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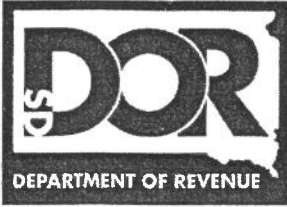
**MEMORANDUM**

**DATE:** May 6<sup>th</sup>, 2022  
**TO:** South Dakota Commission on Gaming  
**FROM:** Brandon Snyder  
**SUBJECT:** Corey Wade Heintz  
**LIC. #:** 12723-22-KY

The applicant is currently working for Cadillac Jack's as the Casino Manager. He has been employed there since March 2012. Corey has had a support license since 2011 with no derogatory action on his license. He is seeking a key license for his current position.

**Concerns:** None

**Recommendation:** Approval



**SOUTH DAKOTA COMMISSION ON GAMING**

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

**MEMORANDUM**

**DATE:** 03/31/2022  
**TO:** South Dakota Commission on Gaming  
**FROM:** Brandon Snyder  
**SUBJECT:** United Tote  
**LICENSE:** 12499-AE

United Tote Company has been supplying pari-mutuel wagering products and services since 1959. Their parent company Churchill Downs Incorporated is well known in the horse racing industry for hosting the Kentucky Derby. Churchill Downs acquired United Tote in 2010.

United Tote Gaming specializes in manufacturing and distribution of self-service betting kiosks, loyalty kiosks, and gaming terminals.

**Concerns:** None

**Recommendations:** It is recommended that the applicant be approved for an Associated Equipment Manufacturer/Distributor License. Nothing derogatory was found in the applicant's background investigation that would prevent them from obtaining a SDCG license.





**SOUTH DAKOTA COMMISSION ON GAMING**

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

March 31, 2022

**MEMORANDUM**

**DATE:** 03/31/2022  
**TO:** South Dakota Commission on Gaming  
**FROM:** Brandon Snyder  
**SUBJECT:** Benjamin Charles Murr/12500-DR

**Name of Gaming Business associated with:**

The applicant is seeking licensure because he is the current Chief Technology Officer and Senior Vice President for Churchill Downs Incorporated, President of Youbet.com LLC., and Chairman, Treasurer, and Director for United Tote Company.

United Tote is attempting to expand their market and become licensed in South Dakota so they can sell their kiosk's.

**Past Employment:**

The applicant has been employed by Churchill Downs Inc. since 2008. Applicant currently holds gaming and racing licenses in several jurisdictions around North America, currently in good standing. Prior to Churchill Downs he was employed by General Electric as IT Director of operations, IT Team Leader, IT Analyst, and Intern from 1995 until 2008.

**Concerns:** None

**Recommendations:** As a result of this background investigation, it is Recommended that Benjamin Murr be approved as a Director with United Tote Company.



**SOUTH DAKOTA COMMISSION ON GAMING**

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March 31, 2022

**MEMORANDUM**

**DATE:** 03/31/2022  
**TO:** South Dakota Commission on Gaming  
**FROM:** Brandon Snyder  
**SUBJECT:** Nathaniel John Simon/12501-DR

**Name of Gaming Business associated with:**

The applicant is seeking licensure because he is the current Secretary of Youbet.com LLC., and President, Secretary, and Director for United Tote Company.

United Tote is attempting to expand their market and become licensed in South Dakota so they can sell their kiosk's.

**Past Employment:**

The applicant has been employed by United Tote Company since 2011. Applicant currently holds gaming and racing licenses in several jurisdictions around North America, currently in good standing. Prior to United Tote he was the CIO of the Americas and Global Head of IT Operations for Sued-Chemie/Clariant from 2007 to 2011. He worked for General Electric as ERP Project Leader and IT intern from 2001 until 2007.

**Concerns:** None

**Recommendations:** As a result of this background investigation, it is Recommended that Nathaniel Simon be approved as a Director with United Tote Company.



**SOUTH DAKOTA COMMISSION ON GAMING**

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March 31, 2022

**MEMORANDUM**

**DATE:** 03/31/2022  
**TO:** South Dakota Commission on Gaming  
**FROM:** Brandon Snyder  
**SUBJECT:** Daniel Patrick Harrington/12502-DR

**Name of Gaming Business associated with:**

The applicant is seeking licensure because he is a Director for Churchill Downs Incorporated. Churchill Downs is the parent company for United Tote.

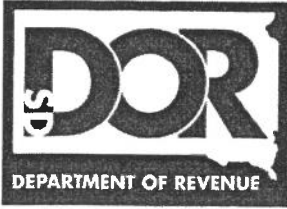
United Tote is attempting to expand their market and become licensed in South Dakota so they can sell their kiosk's.

**Past Employment:**

The applicant has been a director for Churchill Downs Inc. since 1998. Applicant currently holds gaming and racing licenses in several jurisdictions around North America, currently in good standing. Applicant has been employed as the President and CEO of HTV Industries, Inc. since 1990.

**Concerns:** None

**Recommendations:** As a result of this background investigation, it is Recommended that Daniel Harrington be approved as a Director with United Tote Company.



**SOUTH DAKOTA COMMISSION ON GAMING**

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March 31, 2022

**MEMORANDUM**

**DATE:** 03/31/2022  
**TO:** South Dakota Commission on Gaming  
**FROM:** Brandon Snyder  
**SUBJECT:** William Christian Carstanjen/12503-DR

**Name of Gaming Business associated with:**

The applicant is seeking licensure because he is the current Chief Executive Officer and Director for Churchill Downs Incorporated and Director of Youbet.com LLC.

United Tote is attempting to expand their market and become licensed in South Dakota so they can sell their kiosk's.

**Past Employment:**

The applicant has been employed by Churchill Downs Inc. since 2005. Applicant currently holds gaming and racing licenses in several jurisdictions around North America, currently in good standing. Prior to Churchill Downs he was employed by General Electric as Managing Director, General Counsel, and Transactions and Financial Counsel from 2000 to 2005. He also worked as a corporate associate at Cravath, Swaine, and Moore from 1994 until 2000.

**Concerns:** None

**Recommendations:** As a result of this background investigation, it is Recommended that William Carstanjen be approved as a Director with United Tote Company.



## SOUTH DAKOTA COMMISSION ON GAMING

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March 31, 2022

### MEMORANDUM

**DATE:** 03/31/2022  
**TO:** South Dakota Commission on Gaming  
**FROM:** Brandon Snyder  
**SUBJECT:** Paul Cavanugh Varga/12504-DR

#### **Name of Gaming Business associated with:**

The applicant is seeking licensure because he is a current Director for Churchill Downs Incorporated. Churchill Downs is the parent company of United Tote.

United Tote is attempting to expand their market and become licensed in South Dakota so they can sell their kiosk's.

#### **Past Employment:**

The applicant has been employed by Churchill Downs Inc. since 2018. Applicant currently holds gaming and racing licenses in several jurisdictions around North America, currently in good standing. Prior to Churchill Downs he was employed by Brown-Forman as Chairman, CEO, President, and Global chief Marketing Officer from 2000 to 2018.

**Concerns:** None

**Recommendations:** As a result of this background investigation, it is Recommended that Paul Varga be approved as a Director with United Tote Company.



**SOUTH DAKOTA COMMISSION ON GAMING**

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March 31, 2022

**MEMORANDUM**

**DATE:** 03/31/2022  
**TO:** South Dakota Commission on Gaming  
**FROM:** Brandon Snyder  
**SUBJECT:** Robert Leo Fealy/12505-DR

**Name of Gaming Business associated with:**

The applicant is seeking licensure because he is a current Director for Churchill Downs Incorporated. Churchill Downs is the parent company of United Tote.

United Tote is attempting to expand their market and become licensed in South Dakota so they can sell their kiosk's.

**Past Employment:**

The applicant has been employed by Churchill Downs Inc. since 200. Applicant currently holds gaming and racing licenses in several jurisdictions around North America, currently in good standing. Prior to Churchill Downs he was employed by The Duchossois Group, Inc. as President, COO, and CFO from 1996 until 2014. He also served as the co-founder and president of ALUMinate Inc. from 2016 until 2021.

**Concerns:** None

**Recommendations:** As a result of this background investigation, it is Recommended that Robert Fealy be approved as a Director with United Tote Company.



**SOUTH DAKOTA COMMISSION ON GAMING**

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March 31, 2022

**MEMORANDUM**

**DATE:** 03/31/2022  
**TO:** South Dakota Commission on Gaming  
**FROM:** Brandon Snyder  
**SUBJECT:** Douglas C. Grissom/12506-DR

**Name of Gaming Business associated with:**

The applicant is seeking licensure because he is a current Director for Churchill Downs Incorporated. Churchill Downs is the parent company of United Tote.

United Tote is attempting to expand their market and become licensed in South Dakota so they can sell their kiosk's.

**Past Employment:**

The applicant has been employed by Churchill Downs Inc. since 2017. Applicant currently holds gaming and racing licenses in several jurisdictions around North America, currently in good standing. Prior to Churchill Downs he has been employed by Madison Dearborn Partners, LLC as Managing Director since 1999.

**Concerns:** None

**Recommendations:** As a result of this background investigation, it is Recommended that Douglas Grissom be approved as a Director with United Tote Company.



**SOUTH DAKOTA COMMISSION ON GAMING**

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March 31, 2022

**MEMORANDUM**

**DATE:** 03/31/2022  
**TO:** South Dakota Commission on Gaming  
**FROM:** Brandon Snyder  
**SUBJECT:** Richard Alexander Rankin/12507-DR

**Name of Gaming Business associated with:**

The applicant is seeking licensure because he is a current Director and Chairman of the Board for Churchill Downs Incorporated. Churchill Downs is the parent company of United Tote.

United Tote is attempting to expand their market and become licensed in South Dakota so they can sell their kiosk's.

**Past Employment:**

The applicant has been employed by Churchill Downs Inc. since 2008. Applicant currently holds gaming and racing licenses in several jurisdictions around North America, currently in good standing. Prior to Churchill Downs and currently he is employed by Sterling G. Thompson Company as Chairman and President since 1982.

**Concerns:** None

**Recommendations:** As a result of this background investigation, it is Recommended that Richard Rankin be approved as a Director with United Tote Company.





**SOUTH DAKOTA COMMISSION ON GAMING**

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March 31, 2022

**MEMORANDUM**

**DATE:** 03/31/2022  
**TO:** South Dakota Commission on Gaming  
**FROM:** Brandon Snyder  
**SUBJECT:** Ulysses Lee Bridgeman Jr./12508-DR

**Name of Gaming Business associated with:**

The applicant is seeking licensure because he is a current Director for Churchill Downs Incorporated. Churchill Downs is the parent company of United Tote.

United Tote is attempting to expand their market and become licensed in South Dakota so they can sell their kiosk's.

**Past Employment:**

The applicant has been employed by Churchill Downs Inc. since 2012. Applicant currently holds gaming and racing licenses in several jurisdictions around North America, currently in good standing. Prior to Churchill Downs and currently he is employed by Manna Inc. as President and CEO since 1987. He is also the CEO of Heartland Coca-Cola Bottling Company since 2017

**Concerns:** None

**Recommendations:** As a result of this background investigation, it is Recommended that Ulysses Bridgeman Jr. be approved as a Director with United Tote Company.



**SOUTH DAKOTA COMMISSION ON GAMING**

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March 31, 2022

**MEMORANDUM**

**DATE:** 03/31/2022  
**TO:** South Dakota Commission on Gaming  
**FROM:** Brandon Snyder  
**SUBJECT:** Karole Friday Lloyd/12509-DR

**Name of Gaming Business associated with:**

The applicant is seeking licensure because she is a current Director for Churchill Downs Incorporated. Churchill Downs is the parent company of United Tote.

United Tote is attempting to expand their market and become licensed in South Dakota so they can sell their kiosk's.

**Past Employment:**

The applicant has been employed by Churchill Downs Inc. since 2018. Applicant currently holds gaming and racing licenses in several jurisdictions around North America, currently in good standing. Prior to Churchill Downs she was employed by Ernst and Young LLP, in various positions from 1979 until 2016.

**Concerns:** None

**Recommendations:** As a result of this background investigation, it is Recommended that Karole Lloyd be approved as a Director with United Tote Company.



## SOUTH DAKOTA COMMISSION ON GAMING

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### MEMORANDUM

**DATE:** 05/14/2022  
**TO:** South Dakota Commission on Gaming  
**FROM:** Brandon Snyder  
**SUBJECT:** Overlay Gaming Corporation  
**LICENSE:** 12634-AE

Overlay Gaming Corporation plans to sell its software, PokerAtlas TableCaptain™, for use with poker rooms. It is a poker room management system designed to simplify poker room operations, lower operation costs, increase revenue, improve player experience, and attract more players. TableCaptain™ system connects to PokerAtlas to broadcast real-time live game waitlist and tournament action.

Overlay Gaming is licensed in numerous other jurisdictions throughout the United States, including Massachusetts, Florida, and various tribal agencies.

**Concerns:** None

**Recommendations:** It is recommended that the applicant be approved for an Associated Equipment Manufacturer/Distributor License. Nothing derogatory was found in the applicant's background investigation that would prevent them from obtaining a SDCG license.



## SOUTH DAKOTA COMMISSION ON GAMING

87 Sherman Street • Deadwood, SD 57732  
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May 17, 2022

### MEMORANDUM

**DATE:** 05/14/2022  
**TO:** South Dakota Commission on Gaming  
**FROM:** Brandon Snyder  
**SUBJECT:** Jonathan David Friedberg/12635-DR

#### **Name of Gaming Business associated with:**

The applicant is seeking licensure because he is the President, Secretary, Treasurer, and Director of Overlay Gaming Corporation. Overlay Gaming create and sells poker room software. The applicant owns the majority of the shares. With the remaining shares all following under 4% of ownership by others. The Applicant oversees the day-to-day operations, and no other owner has any control over the company.

#### **Past Employment:**

The applicant was employed by Petco Animal Supplies as a Financial Analyst before becoming the CEO of Reactrix Systems, Inc. In 2004 he left Reactrix and became a professional poker player, later winning a WSOP bracelet.

**Concerns:** None

**Recommendations:** As a result of this background investigation, it is Recommended that Jonathan Friedberg be approved as a Director with United Tote Company.



## SOUTH DAKOTA COMMISSION ON GAMING

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Date: May 26, 2022  
To: South Dakota Commission on Gaming  
From: Mark Heltzel, Deputy Exec. Secretary  
RE: FSB Technology (USA) Inc.

We received a Sports Wagering Service Providers application from FSB in July of 2021. FSB is a gaming technology company based in the UK. FSB is offering a Sports Wagering Service, they can offer a wide range of supplier services including a modular platform, retail and mobile sports betting, trading services, customer support, hosting and marketing.

The organization was organized in 2007 and employ between 100 and 200 individuals.

Nothing was disclosed during the course of the background investigation that would preclude them from licensure.

Concerns: None

Recommendation: Staff would recommend approval of a Sports Wagering Service Providers license (**12217-SW**) with the following conditions:

FSB will take full responsibility for the actions or inactions of any third party of any third party contracted with to provide sports wagering services to licensed operators in Deadwood until those entities can have a background completed and be licensed, and sign the attached agreement; and

Provide a list of all third-party vendors contracted with to provide sports wagering services to licensed operators within the city of Deadwood, including associated equipment providers, within fourteen (14) days of licensure and supplemented with fourteen (14) days of any additional contracts.

AGREEMENT AS A CONDITION OF LICENSURE

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

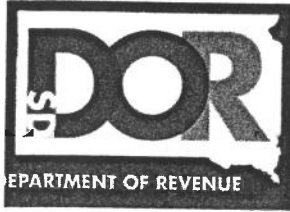
It is specifically understood that by the execution of this agreement, FSB Technology (USA) Inc. may be held responsible for any violations of the law by the contracted third party in a disciplinary proceeding before the South Dakota Commission on Gaming and be subject to monetary penalty, or suspension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

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

Dated this \_\_\_\_\_ day of June 2022.

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

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



**SOUTH DAKOTA COMMISSION ON GAMING**

87 Sherman Street • Deadwood, SD 57732  
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Date: May 26, 2022  
To: South Dakota Commission on Gaming  
From: Mark Heltzel, Deputy Exec. Secretary  
RE: Daniel Cheng / 12205-DR

**Name of Gaming Business associated with:**

The applicant is seeking licensure because of his association with FSB Technologies Inc. Mr. Cheng listed being the Chief Financial Officer for the Clairvest Group which owns FSB Technology.

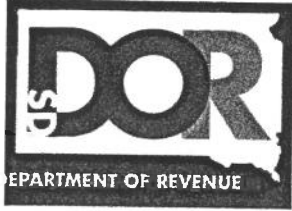
FSB Technologies is seeking to become licensed in South Dakota as a sports wagering service provider.

**Past Employment:**

The applicant listed currently working as a Chief Financial Officer, director or Vice-President and Secretary of 35 different organizations. The applicant has held these type of positions since 2009.

**Concerns:** None

**Recommendation:** As a result of the background investigation staff would recommend approval of Daniel Cheng licensure associated with FSB Technology Inc.



**SOUTH DAKOTA COMMISSION ON GAMING**

87 Sherman Street • Deadwood, SD 57732  
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Date: May 26, 2022

To: South Dakota Commission on Gaming

From: Mark Heltzel, Deputy Exec. Secretary

RE: Michael Wagman / 12206-DR

**Name of Gaming Business associated with:**

The applicant is seeking licensure because of his association with FSB Technologies Inc. Mr. Wagman listed being the President and Managing Director of Clairvest Group Inc. which owns FSB Technologies

FSB Technologies is seeking to become licensed in South Dakota as a sports wagering service provider.

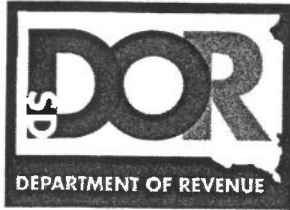
**Past Employment:**

The applicant listed currently working as a Director, President, Chairman or CEO of 34 companies. The applicant has held these type of positions since the mid 2000's.

**Concerns:** None

**Recommendation:** As a result of the background investigation staff would recommend approval of Michael Wagman licensure associated with FSB Technology Inc.





**SOUTH DAKOTA COMMISSION ON GAMING**

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Date: May 26, 2022  
To: South Dakota Commission on Gaming  
From: Mark Heltzel, Deputy Exec. Secretary  
RE: Mohit Kansal / 12207-DR

**Name of Gaming Business associated with:**

The applicant is seeking licensure because of his association with FSB Technologies Inc. Mr. Kansal listed being on the Board of Directors of FSB Technologies. The applicant is also a Partner in Clairvest Group Inc. which owns FSB Technology.

FSB Technologies is seeking to become licensed in South Dakota as a sports wagering service provider.

**Past Employment:**

The applicant listed currently working as a Director or a Trustee of 7 different organizations. The applicant has held these type of positions since 2016.

**Concerns:** None

**Recommendation:** As a result of the background investigation staff would recommend approval of Mohit Kansal licensure associated with FSB Technology Inc.



**SOUTH DAKOTA COMMISSION ON GAMING**

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Date: May 26, 2022  
To: South Dakota Commission on Gaming  
From: Mark Heltzel, Deputy Exec. Secretary  
RE: Kenneth Rotman / 12208-DR

**Name of Gaming Business associated with:**

The applicant is seeking licensure because of his association with FSB Technologies Inc. Mr. Rotman listed being the CEO and sitting on the Board of Directors of Clairvest Group Inc. which owns FSB Technologies

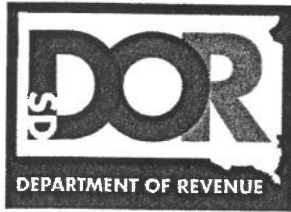
FSB Technologies is seeking to become licensed in South Dakota as a sports wagering service provider.

**Past Employment:**

The applicant listed currently working as a Director, President, Chairman or CEO of 25 plus companies. The applicant has held these type of positions since the late 1990's.

**Concerns:** None

**Recommendation:** As a result of the background investigation staff would recommend approval of Kenneth Rotman licensure associated with FSB Technology Inc.



**SOUTH DAKOTA COMMISSION ON GAMING**

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Date: May 26, 2022

To: South Dakota Commission on Gaming

From: Mark Heltzel, Deputy Exec. Secretary

RE: David McDowell / 12218-DR

**Name of Gaming Business associated with:**

The applicant is seeking licensure because of his association with FSB Technologies Inc. Mr. McDowell listed sitting on the Board of Director for the company.

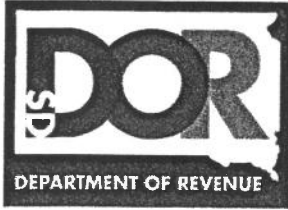
FSB Technologies is seeking to become licensed in South Dakota as a sports wagering service provider.

**Past Employment:**

The applicant listed working with FSB Technology since 2009 as a Director for the company.

**Concerns:** None

**Recommendation:** As a result of the background investigation staff would recommend approval of David McDowell licensure associated with FSB Technology Inc.



**SOUTH DAKOTA COMMISSION ON GAMING**

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Date: May 26, 2022  
To: South Dakota Commission on Gaming  
From: Mark Heltzel, Deputy Exec. Secretary  
RE: Glenn Elliott / 12219-DR

**Name of Gaming Business associated with:**

The applicant is seeking licensure because of his association with FSB Technologies Inc. Mr. Elliott listed being the Chief Operating Officer for the company.

FSB Technologies is seeking to become licensed in South Dakota as a sports wagering service provider.

**Past Employment:**

The applicant listed working with FSB Technology since 2020 as the COO for the company. Prior to this position the applicant worked as an Account Manager, Managing Director and COO for other organizations in the UK area.

**Concerns:** None

**Recommendation:** As a result of the background investigation staff would recommend approval of Glenn Elliott licensure associated with FSB Technology Inc.



**SOUTH DAKOTA COMMISSION ON GAMING**

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Date: May 26, 2022  
To: South Dakota Commission on Gaming  
From: Mark Heltzel, Deputy Exec. Secretary  
RE: Samuel Lawrence / 12220-DR

**Name of Gaming Business associated with:**

The applicant is seeking licensure because of his association with FSB Technologies Inc. Mr. Lawrence listed his position as Chief Technology Officer for the company.

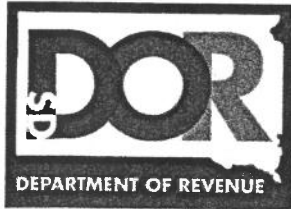
FSB Technologies is seeking to become licensed in South Dakota as a sports wagering service provider.

**Past Employment:**

The applicant listed working with FSB Technology since 2007.

**Concerns:** None

**Recommendation:** As a result of the background investigation staff would recommend approval of Samuel Lawrence licensure associated with FSB Technology Inc.



**SOUTH DAKOTA COMMISSION ON GAMING**

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Date: May 26, 2022  
To: South Dakota Commission on Gaming  
From: Mark Heltzel, Deputy Exec. Secretary  
RE: Andrew Bowen / 12221-DR

**Name of Gaming Business associated with:**

The applicant is seeking licensure because of his association with FSB Technologies Inc. Mr. Bowen listed sitting on the Board of Directors with the company.

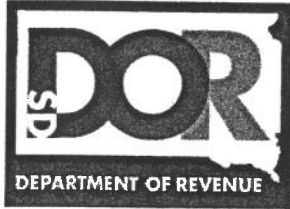
FSB Technologies is seeking to become licensed in South Dakota as a sports wagering service provider.

**Past Employment:**

The applicant listed working as a director with FSB Technology since 2020. Prior to this position the applicant worked as a Director for several organizations in the financial, lotteries and fuel sectors in the UK area.

**Concerns:** None

**Recommendation:** As a result of the background investigation staff would recommend approval of Andrew Bowen licensure associated with FSB Technology Inc.



**SOUTH DAKOTA COMMISSION ON GAMING**

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Date: May 26, 2022  
To: South Dakota Commission on Gaming  
From: Mark Heltzel, Deputy Exec. Secretary  
RE: Robert Akeret, Jr. / 12222-DR

**Name of Gaming Business associated with:**

The applicant is seeking licensure because of his association with FSB Technologies Inc. Mr. Akeret, Jr. listed his position as Vice President of Operations for North America.

FSB Technologies is seeking to become licensed in South Dakota as a sports wagering service provider.

**Past Employment:**

The applicant listed working as the Director of Operations for Resorts Digital Gaming, LLC in Atlantic City, NJ prior to beginning employment with FSB Technology in 2020.

**Concerns:** None

**Recommendation:** As a result of the background investigation staff would recommend approval of Robert Akeret, Jr. licensure associated with FSB Technology Inc.



**SOUTH DAKOTA COMMISSION ON GAMING**  
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## MEMORANDUM

**DATE:** May 23, 2022  
**TO:** South Dakota Commission on Gaming  
**FROM:** Mark Heltzel  
**SUBJECT:** Main Ledge, LLC. 12782-OP, 12783-RT, 12784-RT

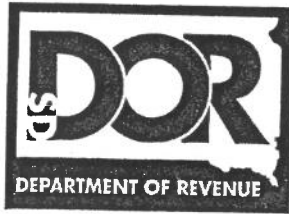
### **Name of Gaming Business:**

Main Ledge, LLC. was founded in May of 2022. This group of 5 individuals received a Sports Wagering license in February of 2022. They are attempting to obtain a property in Deadwood and will need an Operator and two retail licenses if they are successful.

**Concerns:** None

**Recommendations:** As a result of a background investigation it is recommended that Main Ledge, LLC. be approved for an Operator's and 2 retail licenses.





**SOUTH DAKOTA COMMISSION ON GAMING**  
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## MEMORANDUM

**DATE:** May 23, 2022  
**TO:** South Dakota Commission on Gaming  
**FROM:** Mark Heltzel  
**SUBJECT:** Caledonia Ledge, LLC. 12785-PO

### **Name of Gaming Business:**

Caledonia Ledge, LLC. was founded in May of 2022. This group of 5 individuals received a Sports Wagering license in February of 2022. They are attempting to obtain a property in Deadwood and will need a Gaming Property Owners license if they are successful.

**Concerns:** None

**Recommendations:** As a result of a background investigation it is recommended that Caledonia Ledge, LLC. be approved for a Gaming Property Owners license.



**SOUTH DAKOTA COMMISSION ON GAMING**  
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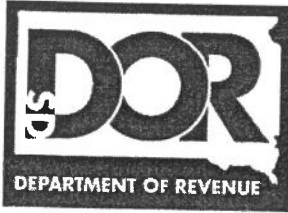
## MEMORANDUM

DATE: May 26, 2022  
TO: South Dakota Commission on Gaming  
FROM: Brian Swets  
SUBJECT: Sportsbook Deadwood LLC–12415-OP, 12416-RT, 12417-RT, 12418-RT

Sportsbook Deadwood LLC was created on November 19, 2020, to operate Sportsbook Deadwood located at 51, 53, and 55 Sherman Street Deadwood, SD and is owned by KR Deadwood Sherman Street 2020 LLC. KR Deadwood Sherman Street 2020, LLC is owned by Gerard Keating 12420-OW - 51%, Alec Keating 12421-OW 9%, MendySD LLC 20%, and Lux Enterprises LLC 20%. MendySD, LLC is 100% owned by Paul Mendlik 12422-OW. Lux Enterprises LLC is owned by Thomas Chvala 12423-OW 50% and Tracy Chvala 12423-OW 50%. The building as 51, 53, and 55 Sherman Street Deadwood, SD is still in the re-construction phase and has an expected opening date of January 2023.

Concerns: None

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



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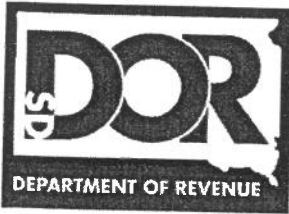
## MEMORANDUM

DATE: May 26, 2022  
TO: South Dakota Commission on Gaming  
FROM: Brian Swets  
SUBJECT: Gerard Joseph Keating – 12420-OW

Gerard Keating is the CEO of Keating Resources, a real estate investment company. Gerard has been in his current position since 1988, when he formed the company. Gerard is fifty one percent owner of KR Deadwood Sherman Street 2020 LLC. Gerard is an investor in numerous other properties, however none of them are gaming related. Gerard has never held a gaming license or been subjected to a gaming related background investigation before.

Concerns: None

Recommendations: It is recommended that Gerard Keating be **approved** as an owner of KR Deadwood Sherman Street 2020, LLC. Nothing derogatory was found in the applicant's background investigation that would prevent him from obtaining a SDCG license. The applicant has never been licensed by any gaming jurisdiction before.



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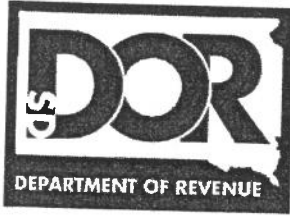
## MEMORANDUM

DATE: May 26, 2022  
TO: South Dakota Commission on Gaming  
FROM: Brian Swets  
SUBJECT: Alec Gerard Keating – 12421-OW

Alec Keating is the President of Keating Resources, a real estate investment company. Alec has been in his current role since 2020. Alec is a nine percent owner of KR Deadwood Sherman Street 2020 LLC. Alec is an investor in numerous other properties, however none of them are gaming related. Alec has never held a gaming license or been subjected to a background investigation before.

Concerns: None

Recommendations: It is recommended that Alec Keating be **approved** as an owner of KR Deadwood Sherman Street 2020 LLC. Nothing derogatory was found in the applicant's background investigation that would prevent him from obtaining a SDCG license. The applicant has never been licensed by any gaming jurisdiction before.



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## MEMORANDUM

DATE: May 26, 2022  
TO: South Dakota Commission on Gaming  
FROM: Brian Swets  
SUBJECT: Paul Mendlik 12422-OW

Paul Mendlik is a retired accounting firm partner and CFO and is currently a storage business owner. Paul retired in 2015 and opened the storage business in 2015. Paul is one hundred percent owner of MendySD, LLC which owns twenty percent owner of KR Deadwood Sherman Street 2020, LLC. Paul is an investor in numerous other properties, however none of them are gaming related. Paul has never held a gaming license or been subjected to a background investigation before.

Concerns: None

Recommendations: It is recommended that Paul Mendlik be **approved** as an owner of KR Deadwood Sherman Street 2020, LLC. Nothing derogatory was found in the applicant's background investigation that would prevent him from obtaining a SDCG license. The applicant has never been licensed by any gaming jurisdiction before.



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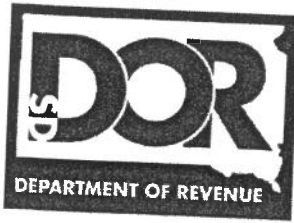
## MEMORANDUM

DATE: May 26, 2022  
TO: South Dakota Commission on Gaming  
FROM: Brian Swets  
SUBJECT: Thomas John Chvala 12423-OW

Thomas Chvala is a self-employed Attorney and real estate investor. Thomas is fifty percent owner of Lux Enterprises, LLC which owns twenty percent of KR Deadwood Sherman Street 2020, LLC. Thomas is an investor in numerous other properties, however none of them are gaming related. Thomas has never held a gaming license or been subjected to a background investigation before.

Concerns: None

Recommendations: It is recommended that Thomas Chvala be **approved** as an owner of KR Deadwood Sherman Street 2020, LLC. Nothing derogatory was found in the applicant's background investigation that would prevent him from obtaining a SDCG license. The applicant has never been licensed by any gaming jurisdiction before.



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### MEMORANDUM

DATE: May 26, 2022  
TO: South Dakota Commission on Gaming  
FROM: Brian Swets  
SUBJECT: Tracy Claire Chvala 12424-OW

Tracy Chvala is a Certified Public Accountant at Lutz Corporation since 2021 and a real estate investor. Tracy is fifty percent owner of Lux Enterprises, LLC which owns twenty percent of KR Deadwood Sherman Street 2020, LLC. Tracy is an investor in numerous other properties, however none of them are gaming related. Tracy has never held a gaming license or been subjected to a background investigation before.

Concerns: None

Recommendations: It is recommended that Thomas Chvala be **approved** as an owner of KR Deadwood Sherman Street 2020, LLC. Nothing derogatory was found in the applicant's background investigation that would prevent her from obtaining a SDCG license. The applicant has never been licensed by any gaming jurisdiction before.



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### MEMORANDUM

DATE: May 26, 2022  
TO: South Dakota Commission on Gaming  
FROM: Brian Swets  
SUBJECT: KR Deadwood Sherman Street 2020 LLC – 12419-PO

KR Deadwood Sherman Street 2020, LLC was created on October 21, 2020, to purchase 51, 53, and 55 Sherman Street Deadwood, SD. 5 KR Deadwood Sherman Street 2020, LLC is owned by Gerard Keating 12420-OW - 51%, Alec Keating 12421-OW 9%, MendySD LLC 20%, and Lux Enterprises LLC 20%. MendySD, LLC is 100% owned by Paul Mendlik 12422-OW. Lux Enterprises LLC is owned by Thomas Chvala 12423-OW 50% and Tracy Chvala 12423-OW 50%. 1, 53, and 55 Sherman Street Deadwood, SD is still in the re-construction phase and has an expected opening date of January 2023.

Concerns: None

Recommendations: It is recommended that KR Deadwood Sherman Street 2020, LLC be **approved** for a Property Owner License. Nothing derogatory was found in the investigation that would prevent licensure.





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**MEMORANDUM**

DATE: May 27, 2022  
TO: South Dakota Commission on Gaming  
FROM: S/A Angela J. Wilkerson  
SUBJECT: Tyler Peterson 12570-21-OW / Deadwood Miners, LLC 12569-RT

Tyler Peterson is the owner of Deadwood Miners, LLC, which operates as a hotel and restaurant in Deadwood, SD. Mr. Peterson has owned the hotel and restaurant since 2019 and is looking to expand to offer gaming to his customers.

Peterson has never held a gaming license. He is applying for licensure in hopes of expanding his Deadwood business.

**Recommendation:**

Recommendation as a result of this background investigation is that Tyler Peterson be **approved** as an Owner of a gaming establishment; and that Deadwood Miners, LLC be approved for one Retail license. There was nothing found during the course of this investigation that would preclude the applicant from obtaining this licensure.

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