



SOUTH DAKOTA COMMISSION ON GAMING
120 Industrial Drive Suite 1 • Spearfish, SD 57783
(605) 578-3074 • dor.sd.gov/gaming

INCIDENT REPORT

INCIDENT: Illegal Possession of Slot Machine

INCIDENT NUMBER: 25-05-036

DATE OF INCIDENT: 5/27/2025

PLACE OF INCIDENT: [REDACTED]
Midland, SD 57552

INVESTIGATING AGENT: Jarle Randall

DATE OF REPORT: 5/28/2025

Suspect: Lisa [REDACTED]
[REDACTED]
Midland, SD 57552
[REDACTED]

NARRATIVE:

On 5/27/2025 I was advised of a Facebook marketplace post of slot machines for sale. I looked up the Facebook Marketplace post listed by Lisa [REDACTED]. The post advised she had five Kanomi slot machines for sale and was asking \$1500.00 dollars apiece for the slot machines. Using a fictitious Facebook account, I contacted Lisa as a potential buy and asked if she still had the machines available. Lisa responded advised she did. I advised I would like to come look at the slot machines the next day (5/28/2025). Lisa agreed and a time was set up for between 10 and 11 am. I then asked for a location and a contact number. I was advised they were at the Belvidere East KOA at exit 170, ½ mile north of 1880 Town. I was also provided a contact number of [REDACTED]. I asked Lisa if she could send me pictures of the manufacture's plates on the side of the machines. Later this same evening Lisa did send me pictures of two of the manufacture's plates. Screen shots and a video of the messenger conversation have been printed and placed into the case file. Under SDCL 22-25-13 A person could only possess a slot machine if it was shown to be an antique and the machine was 25 years old or older.

On 5/28/2025 S/A Brandon Snyder and I then responded to the location provided by Lisa at approximately 1030 Am. Upon arrival I made contact with Lisa at the KOA Campground store and advised we were there to look at the slot machines. Lisa advised the slot machines were in the house. Lisa showed us to her home and inside the living area of the home she had the five slot machines plugged in and turned on to show they were working machines. S/A Snyder and I then checked the manufactures plates and confirmed the slot machines were newer then 25 years old. Once we confirmed the slot machines were newer the 25 years old S/A Snyder advised Lisa we were with the South Dakota Commission on Gaming. We explained to Lisa the slot machines were newer then 25 years and it was illegal for her to be in possession of the machines. I then provided copies of the laws involving the possession of the slot machines. We advised Lisa we would be seizing the machines as illegal property. Lisa was advised there would be a hearing for her to state her case if she wished. We advised Lisa we were not arresting her but would be seizing the machines.

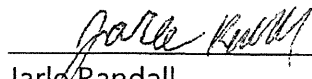
We did ask Lisa where she had gotten the machines. Lisa advised they had gotten them from a guy in Bismark, ND. Lisa advised the guy they had purchased the slot machines from had stated he had pulled the parts out that would make the slot machines unusable to gamble but had left the parts in that made it still playable. It just would not print out tickets or do a payout. Lisa advised she had knee surgery, and they had purchased the slot machines to put in the house so she would have some form of entertainment.

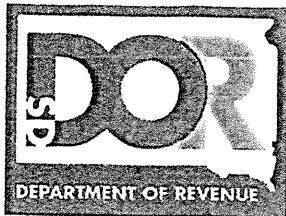
S/A Snyder and I then completed a property Receipt with the information from each of the five slot machines;

Konami-African Diamond Serial# 26007 manufactured 2007,
Aristocat-Buffalo Serial # MV025235 manufactured 2004,
Konami-Viking Legend Serial # 28595 manufactured 2008,
Konami- Rawhide Serial # 28390 manufactured 2008.
Konami-Chip City Serial # 28418 manufactured 2007.

A copy of the property receipt was provided to Lisa. S/A Snyder and I seized and loaded the five slot machines in the truck and transported them to the South Dakota Commission on Gaming Office and placed them in the evidence room. Photographs of the machines and their manufactures plates with serial numbers were taken.

END OF REPORT


Jarle Randall
SPECIAL AGENT – INVESTIGATIONS / ENFORCEMENT
SD COMMISSION ON GAMING



SOUTH DAKOTA COMMISSION ON GAMING

120 Industrial Drive, Suite 1 • Spearfish, SD 57783
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NOTICE OF HEARING

TO: Lisa [REDACTED]
[REDACTED]
Midland, SD 57552

In the matter of the five slot machines listed below:

- African Diamond slot machine serial number 26007 manufactured by Aristocrat in 2007
- Buffalo slot machine serial number MV025235 manufactured by Aristocrat in 2004
- Viking Legend slot machine serial number 28595 manufactured by Konami in 2008
- Rawhide slot machine serial number 28390 manufactured by Konami in 2008
- Chip City slot machine serial number 28418 manufactured by Konami in 2007

Notice is hereby given that a hearing will be held before the South Dakota Commission on Gaming on September 16, 2025, at 9:00 AM in the City Commission Chambers of Deadwood City Hall, located at 102 Sherman Street, Deadwood, SD 57732.

The purpose of this hearing is to determine if the five slot machines listed above, which were seized from Lisa Wice at 24201 SD Hyw 63, Midland, SD, on May 28th, 2025, are contraband and may be destroyed pursuant to SDCL 42-7B-39.

The hearing is held by the authority of SDCL 42-7B-39 and 42-7B-39.2

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

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

As a result of this hearing, the Commission on Gaming can order the destruction of the slot machines that were seized on May 28, 2025.

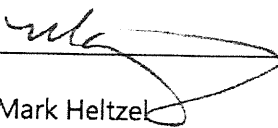
This hearing is an adversary proceeding. Any person who claims an ownership interest in the machines described above has the right to be present, to be represented by a lawyer, to call witnesses to testify on their behalf, and to question witnesses who testify against them. These and other due process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

SDCL 42-7B-39 provides that the slot machines that were seized may be destroyed after notice and without a hearing if you fail to appear at the time and place scheduled in this hearing of notice.

If the amount in the controversy exceeds two thousand five hundred dollars or if a property right may be terminated, any party to the case may require the Commission to use the Office of Hearing Examiners by giving notice to the Commission no later than ten days after service of this Notice of Hearing.

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

Dated at Spearfish, South Dakota, the 23rd day of July 2025.



Mark Heltzel
Executive Secretary

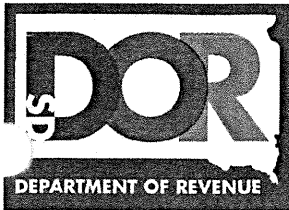
Certificate of Service

I, Mark Heltzel, do hereby certify that I served a copy of the foregoing Notice of Hering upon:

By certified mail, return receipt requested with postage prepaid, there on the 23rd day of July 2025.



Mark Heltzel



SOUTH DAKOTA COMMISSION ON GAMING

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

SDCL 42-7B-39 Shipping records required to be maintained--Report by recipient--Transport out of state--Violation as felony.

Any slot machine manufacturer or distributor shipping a slot machine into the State of South Dakota shall maintain for a period of at least five years from the time of shipment, the following records: a copy of the shipping invoice including at least the destination and the serial number of each machine and a description of each machine. Any person within the State of South Dakota receiving a slot machine shall maintain for a period of at least five years from the time of receipt the following records: information showing at least the location of each machine, its serial number, and description. This report shall be completed and maintained regardless of whether the machine is received from a manufacturer or any other person. Any machine licensed pursuant to this chapter shall be licensed for a specific location and movement of the machine from that location shall be reported to the commission within twenty-four hours. If the machine is to be transported out of the State of South Dakota, the movement of the machine shall be recorded and maintained by the licensee for not less than five years from the time of movement. Possession of an unapproved device is a Class 6 felony. Any slot machine not in compliance with this chapter is declared contraband and may be summarily seized and destroyed after notice and hearing.

Source: SL 1989, ch 374, § 34; SL 1993, ch 321, § 9; SL 1997, ch 245, § 1.

SDCL 42-7B-39.2 Destruction of seized slot machine.

Any slot machine seized pursuant to the provisions of § 42-7B-39 may be destroyed after notice and without hearing if the person from whom the slot machine was seized fails to appear at the time and place scheduled in the hearing notice.

Source: SL 2015, ch 220, § 2.

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

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

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

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

SDCL 22-25-14 Slot machine and premises public nuisance--Manufacture not prohibited.

All slot machines capable of being used for gambling and places where they are kept or operated together with all property of any kind kept or used in connection with operation of the same, are hereby declared to be public nuisances.

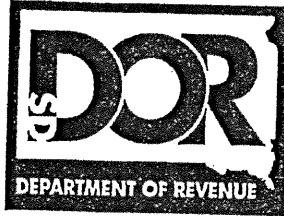
This section does not prohibit the manufacture, or any act appurtenant to the manufacture, of slot machines, or devices in this state for distribution and sale.

Source: SDC 1939, § 24.0205; SL 1989, ch 197, § 2.

SDCL 22-25-14.1 Antique slot machine operated for nongambling purposes as defense--Preservation and return of antique machines.

It is a defense to any prosecution under §§ 22-25-13 and 22-25-14 if the defendant shows that the slot machine is an antique slot machine and was not operated for gambling purposes while in the defendant's possession. For the purposes of this section, a slot machine shall be conclusively presumed an antique slot machine if it is twenty-five or more years old. Whenever such defense is offered, no slot machine seized from any defendant may be destroyed or otherwise altered until after a final court determination including review upon appeal, if any, that such defense is not applicable. If the defense is applicable, any such slot machine shall be returned pursuant to provisions of law providing for the return of property. It is the purpose of this section to protect the collection and restoration of antique slot machines not presently utilized for gambling purposes because of their esthetic interest and importance in South Dakota history.

Source: SL 1977, ch 191; SL 1994, ch 168.



SOUTH DAKOTA COMMISSION ON GAMING
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07/23/2025

Jackson County State's Attorney
PO Box 219
Kadoka, SD 57543

To Whom It May Concern,

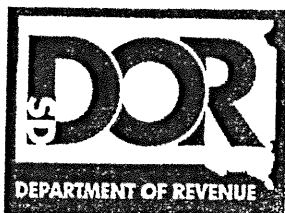
Included please find a copy of SDCG case report 25-05-036 on illegal slot machines that were seized in Jackson County on 05/28/2025. The devices are in our possession, and we will proceed with an administrative hearing to have the devices declared contraband and have them destroyed.

Upon destruction of the devices, we will consider the matter closed unless you wish to proceed further. If you have any questions or want additional information, please contact me at the number above.

Regards,

Brandon Snyder
Director of Enforcement



**SOUTH DAKOTA COMMISSION ON GAMING**

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INCIDENT REPORT

INCIDENT: Illegal Slot Machine

INCIDENT NUMBER: 25-06-040

DATE OF INCIDENT: 06/18/2025

PLACE OF INCIDENT: [REDACTED]
Rapid City, SD 57702

INVESTIGATING AGENT: Jarle Randall

DATE OF REPORT: 6/18/2025

Suspect: James [REDACTED]
[REDACTED]
Rapid City, SD. 57702

NARRATIVE:

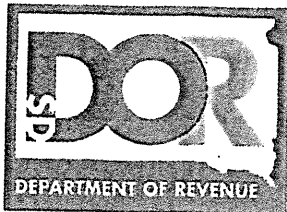
On 6/18/2025 I was advised of a possible illegal slot machine being offered for sale on Facebook marketplace. I was provided the link and opened it to investigate. I observed a Facebook Market Place post for a Kaba Slot Machine. On 6/19/25 using a fictitious Facebook account, I contacted the listing person, Jason [REDACTED] and asked for additional photographs I specifically asked for a picture of the manufactures plate on the side of the machine. I was provided a photograph of the plate, and it showed a manufacture date of February 2010, which places the slot machine within the years of being illegal to possess. It is illegal for an individual to possess a slot machine that is 25 years old or newer. The manufacture date on this machine shows it as being 15 years old. I advised Jason I was going to be out of town and would not be available to look at the machine until at least the 6/24/25 or 6/25/25. This delay in attempting to seize the slot machine was due to limited staff for a short period. On 6/25/25 I contacted Jason and set up a time on 6/28/25 at 130PM to meet and pick up the machine.

On 6/28/2025 Agent Cargill and I arrived at the residence of [REDACTED] Rapid City, SD, to check the slot machine. I spoke with Jason [REDACTED] whom was the person I had been speaking with through the marketplace ad. Jason introduced me to his father, James Murphy, who was the person actually

selling the slot machine. James took Agent Cargill and I into a room in his garage and showed us the slot machine. I confirmed this was the same slot machine that was listed in the marketplace add. I observed a Kaba slot machine, manufacture by Yamasa Co LTD, serial number 015593. There were also multiple machine slugs in the change tray I also confirmed the manufacture date on the plate showing February 2010. I then advised James and Jason we were agents for the South Dakota Gaming Commission and showed them my credentials. Agent Cargill also displayed his badge. I advised James it was illegal to possess the slot machine. I also provided James and Jason a printed copy of the law. James and Jason both advised they understood. I then completed a property receipt with the slot machine information on it. I asked James how long he had owned the slot machine. James advised he has had the slot machine for approximately 10 years. I advised James and Jason of the future hearing that would be held over the slot machine seizure and advised them they would be notified if they wished to attend. Both James and Jason advised they were not interested in attending the hearing. I seized the slot machine and placed it into the back of the patrol vehicle. We then transported the slot machine back to the gaming office and placed the slot machine into evidence. Photographs of the slot machine and manufacture plates were taken. The photographs were printed and placed into the case file.

END OF REPORT


Jarle Randall
SPECIAL AGENT – INVESTIGATIONS / ENFORCEMENT
SD COMMISSION ON GAMING

**SOUTH DAKOTA COMMISSION ON GAMING**

120 Industrial Drive, Suite 1 • Spearfish, SD 57783
(605) 578-3074 • dor.sd.gov/gaming

NOTICE OF HEARING

TO: James [REDACTED]
[REDACTED]
Rapid City, SD 57702

In the matter of the slot machine listed below:

- Kaba slot machine serial number 015593 manufactured by Yamasa Co LTD in 2010.

Notice is hereby given that a hearing will be held before the South Dakota Commission on Gaming on September 16, 2025, at 9:00 AM in the City Commission Chambers of Deadwood City Hall, located at 102 Sherman Street, Deadwood, SD 57732.

The purpose of this hearing is to determine if the slot machine listed above, which was seized from James Murphy Jr. at 22556 Palmer Rd, Rapid City, SD, on June 28th, 2025, is contraband and may be destroyed pursuant to SDCL 42-7B-39.

The hearing is held by the authority of SDCL 42-7B-39 and 42-7B-39.2

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

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

As a result of this hearing, the Commission on Gaming can order the destruction of the slot machine that was seized on June 28, 2025.

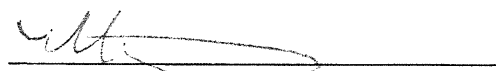
This hearing is an adversary proceeding. Any person who claims an ownership interest in the machines described above has the right to be present, to be represented by a lawyer, to call witnesses to testify on their behalf, and to question witnesses who testify against them. These and other due process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

SDCL 42-7B-39 provides that the slot machine that was seized may be destroyed after notice and without a hearing if you fail to appear at the time and place scheduled in this hearing of notice.

If the amount in the controversy exceeds two thousand five hundred dollars or if a property right may be terminated, any party to the case may require the Commission to use the Office of Hearing Examiners by giving notice to the Commission no later than ten days after service of this Notice of Hearing.

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

Dated at Spearfish, South Dakota, the 23rd day of July 2025.

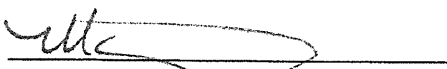


Mark Heltzel
Executive Secretary

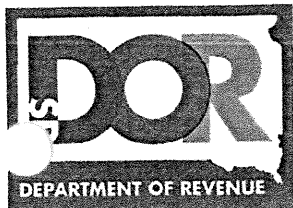
Certificate of Service

I, Mark Heltzel, do hereby certify that I served a copy of the foregoing Notice of Hering upon:

By certified mail, return receipt requested with postage prepaid, there on the 23rd day of July 2025.



Mark Heltzel



SOUTH DAKOTA COMMISSION ON GAMING

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SDCL 42-7B-39 Shipping records required to be maintained--Report by recipient--Transport out of state--Violation as felony.

Any slot machine manufacturer or distributor shipping a slot machine into the State of South Dakota shall maintain for a period of at least five years from the time of shipment, the following records: a copy of the shipping invoice including at least the destination and the serial number of each machine and a description of each machine. Any person within the State of South Dakota receiving a slot machine shall maintain for a period of at least five years from the time of receipt the following records: information showing at least the location of each machine, its serial number, and description. This report shall be completed and maintained regardless of whether the machine is received from a manufacturer or any other person. Any machine licensed pursuant to this chapter shall be licensed for a specific location and movement of the machine from that location shall be reported to the commission within twenty-four hours. If the machine is to be transported out of the State of South Dakota, the movement of the machine shall be recorded and maintained by the licensee for not less than five years from the time of movement. Possession of an unapproved device is a Class 6 felony. Any slot machine not in compliance with this chapter is declared contraband and may be summarily seized and destroyed after notice and hearing.
Source: SL 1989, ch 374, § 34; SL 1993, ch 321, § 9; SL 1997, ch 245, § 1.

SDCL 42-7B-39.2 Destruction of seized slot machine.

Any slot machine seized pursuant to the provisions of § 42-7B-39 may be destroyed after notice and without hearing if the person from whom the slot machine was seized fails to appear at the time and place scheduled in the hearing notice.
Source: SL 2015, ch 220, § 2.

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

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

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

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

SDCL 22-25-14 Slot machine and premises public nuisance--Manufacture not prohibited.

All slot machines capable of being used for gambling and places where they are kept or operated together with all property of any kind kept or used in connection with operation of the same, are hereby declared to be public nuisances.

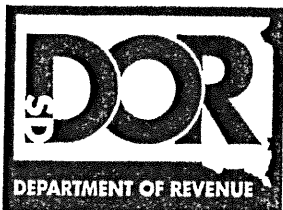
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Source: SDC 1939, § 24.0205; SL 1989, ch 197, § 2.

SDCL 22-25-14.1 Antique slot machine operated for nongambling purposes as defense--Preservation and return of antique machines.

It is a defense to any prosecution under §§ 22-25-13 and 22-25-14 if the defendant shows that the slot machine is an antique slot machine and was not operated for gambling purposes while in the defendant's possession. For the purposes of this section, a slot machine shall be conclusively presumed an antique slot machine if it is twenty-five or more years old. Whenever such defense is offered, no slot machine seized from any defendant may be destroyed or otherwise altered until after a final court determination including review upon appeal, if any, that such defense is not applicable. If the defense is applicable, any such slot machine shall be returned pursuant to provisions of law providing for the return of property. It is the purpose of this section to protect the collection and restoration of antique slot machines not presently utilized for gambling purposes because of their esthetic interest and importance in South Dakota history.

Source: SL 1977, ch 191; SL 1994, ch 168.



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07/23/2025

Pennington County States Attorney
130 Kansas City Street #300
Rapid City, SD 57701

To Whom It May Concern,

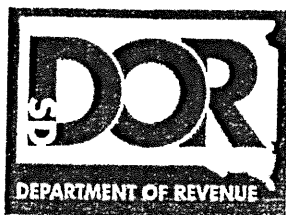
Included please find a copy of SDCG case report 25-06-040 on an illegal slot machine that was seized in Pennington County on 06/28/2025. The device is in our possession, and we will proceed with an administrative hearing to have the device declared contraband and have it destroyed.

Upon destruction of the device, we will consider the matter closed unless you wish to proceed further. If you have any questions or want additional information, please contact me at the number above.

Regards,

Brandon Snyder
Director of Enforcement



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(605) 578-3074 • dor.sd.gov/gaming

INCIDENT REPORT**INCIDENT:** Illegal Possession of Slot Machine**INCIDENT NUMBER:** 25-07-054**DATE OF INCIDENT:** 7/31/2025**PLACE OF INCIDENT:** [REDACTED]
Blackhawk, SD 57718**INVESTIGATING AGENT:** Jarle Randall**DATE OF REPORT:** 7/31/2025**Suspect:** Julie [REDACTED]
[REDACTED]
Piedmont, SD 57769
[REDACTED]**NARRATIVE:**

On 7/31/25 S/A Snyder forwarded a screen shot to me of an auction company listing a slot machine for sale. The listing advised the slot machine was for sale through an online auction online. The slot machine was available to be looked at until close of business on 7/31/25. At that time S/A Cargill and I responded to the auction company location at [REDACTED] Blackhawk, SD. We arrived and made contact with one of the auction company, (Adventure Trading and Auction) owners, Julie [REDACTED]. Julie showed us the slot machine listed for auction. I observed a Japanese brand slot machine. All markings on the machine were in Japanese. But were able to locate the manufacture date of June 2015, which puts the machine at the newer then 25 years old. South Dakota Codified Law, 22-25-13 states it is illegal for an individual to possess a slot machine that is 25 years old or newer.

At this time, I advised Julie who I was and showed her my South Dakota State issued identification. I advised Julie if the South Dakota Law in reference to slot machines and provided her copies of the laws. I advised I would be seizing the slot machine. Julie, advise she understood. Julie stated she had no idea the slot machine was illegal. I photographed the slot machine and completed a property receipt. I

25-07-054

Page 1 of 2

gave Julie the yellow copy of the property receipt. Julie was advised there would be a hearing scheduled if she wished to appear and dispute the seizure. I advised she would be notified of the date and time of the hearing. I asked Julie if she had any questions. Julie advised she did not. I then took custody of the slot machine and placed it in the back of the patrol vehicle. I transported the slot machine to the commission on gaming office, logged, and placed the slot machine into evidence.

END OF REPORT



Jarle Randall

SPECIAL AGENT – INVESTIGATIONS / ENFORCEMENT
SD COMMISSION ON GAMING



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SDCL 42-7B-39 Shipping records required to be maintained--Report by recipient--Transport out of state--Violation as felony.

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Source: SL 2015, ch 220, § 2.

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SDCL 22-25-14 Slot machine and premises public nuisance--Manufacture not prohibited.

All slot machines capable of being used for gambling and places where they are kept or operated together with all property of any kind kept or used in connection with operation of the same, are hereby declared to be public nuisances.

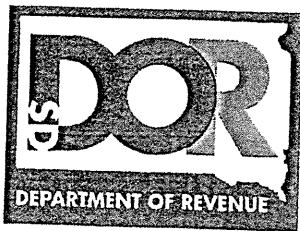
This section does not prohibit the manufacture, or any act appurtenant to the manufacture, of slot machines, or devices in this state for distribution and sale.

Source: SDC 1939, § 24.0205; SL 1989, ch 197, § 2.

SDCL 22-25-14.1 Antique slot machine operated for nongambling purposes as defense--Preservation and return of antique machines.

It is a defense to any prosecution under §§ 22-25-13 and 22-25-14 if the defendant shows that the slot machine is an antique slot machine and was not operated for gambling purposes while in the defendant's possession. For the purposes of this section, a slot machine shall be conclusively presumed an antique slot machine if it is twenty-five or more years old. Whenever such defense is offered, no slot machine seized from any defendant may be destroyed or otherwise altered until after a final court determination including review upon appeal, if any, that such defense is not applicable. If the defense is applicable, any such slot machine shall be returned pursuant to provisions of law providing for the return of property. It is the purpose of this section to protect the collection and restoration of antique slot machines not presently utilized for gambling purposes because of their esthetic interest and importance in South Dakota history.

Source: SL 1977, ch 191; SL 1994, ch 168.



SOUTH DAKOTA COMMISSION ON GAMING

120 Industrial Drive, Suite 1 • Spearfish, SD 57783
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19

NOTICE OF HEARING

TO: Julie [REDACTED]
[REDACTED]
Piedmont, SD 57769

In the matter of one slot machines listed below:

- Welcome to Fabulous Las Vegas Nevada, themed slot machine serial number 030768107, Japanese-style machine manufactured in 2015.

Notice is hereby given that a hearing will be held before the South Dakota Commission on Gaming on September 16, 2025, at 9:00 AM in the City Commission Chambers of Deadwood City Hall, located at 102 Sherman Street, Deadwood, SD 57732.

The purpose of this hearing is to determine if the slot machine listed above, which was seized from Julie Lisa Wice at 13120 Tilford, Piedmont, SD, on July 31st, 2025, is contraband and may be destroyed pursuant to SDCL 42-7B-39.

The hearing is held by the authority of SDCL 42-7B-39 and 42-7B-39.2

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

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

As a result of this hearing, the Commission on Gaming can order the destruction of the slot machine that were seized on July 31st, 2025.

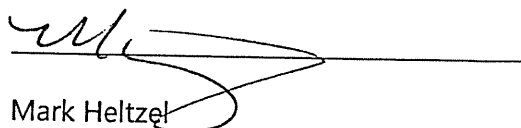
This hearing is an adversary proceeding. Any person who claims an ownership interest in the machines described above has the right to be present, to be represented by a lawyer, to call witnesses to testify on their behalf, and to question witnesses who testify against them. These and other due process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

SDCL 42-7B-39 provides that the slot machines that were seized may be destroyed after notice and without a hearing if you fail to appear at the time and place scheduled in this hearing of notice.

If the amount in the controversy exceeds two thousand five hundred dollars or if a property right may be terminated, any party to the case may require the Commission to use the Office of Hearing Examiners by giving notice to the Commission no later than ten days after service of this Notice of Hearing.

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

Dated at Spearfish, South Dakota, the 5th day of August 2025.

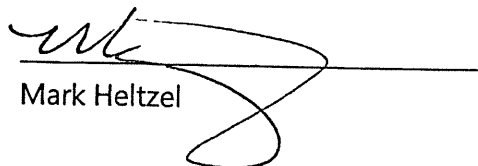


Mark Heltzel
Executive Secretary

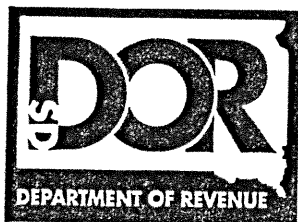
Certificate of Service

I, Mark Heltzel, do hereby certify that I served a copy of the foregoing Notice of Hering upon:

By certified mail, return receipt requested with postage prepaid, there on the 5th day of August 2025.



Mark Heltzel



SOUTH DAKOTA COMMISSION ON GAMING
120 Industrial Drive, Suite 1 • Spearfish, SD 57783
(605) 578-3074 • dor.sd.gov/gaming

08/18/2025

Meade County States Attorney
1425 Sherman Street
Sturgis, SD 57785

To Whom It May Concern,

Included please find a copy of SDCG case report 25-07-054 on an illegal slot machine that was seized in Meade County on 07/31/2025. The device is in our possession, and we will proceed with an administrative hearing to have the device declared contraband and have it destroyed.

Upon destruction of the device, we will consider the matter closed unless you wish to proceed further. If you have any questions or want additional information, please contact me at the number above.

Regards,

Brandon Snyder
Director of Enforcement



Jeffrey Vetter

[REDACTED]
Belle Fourche SD 57717

[REDACTED]
[REDACTED]@yahoo.com

29th May 2025

SD Commission on Gaming
120 Industrial Dr. Ste.1
Spearfish SD 57783

Pursuant to the provisions of SDCL 1-26-15, I, Jeffrey Vetter, of [REDACTED], Belle Fourche SD, a concerned citizen, petition the South Dakota Commission on Gaming for its declaratory ruling in regard to the following:

(1) ARSD 20:18:12.01:18. The use of electronic devices for communication while seated at any player banked gaming table is prohibited. No electronic device may be placed on any licensed table game. The executive secretary may grant specific written exceptions for an individual with a documented medical condition causing an impediment which substantially limits the individual's ability to participate in games. The individual who is granted an exception must agree to allow a casino access to any electronic device used in the accommodation to ensure that the device is not being used to gain an unfair advantage in the game.

(2) Upon thorough review of the language of the administrative rule, it appears as if the electronic devices themselves are not prohibited from being used, rather the "communication" is what is prohibited.

ARSD 20:18:12.01:18 was enacted July 29 2014. For the next 5 years, players were generally allowed to use their cellular telephones at the table, so long as they were not active in a hand, meaning that they did not have cards at the time. I have been made aware that during those years there were different interpretations of the rule at different casinos in Deadwood. I am also aware that enforcement agents issued different directives to different casinos as well.

On July 29 2019, ARSD 20:18:12.01:18 was made effective with an amendment referring to medical exceptions to the rule. While this amendment had little effect on the language of the rule, enforcement of the rule changed. From my understanding, for the

first time ever, enforcement agents issued warnings to casino staff for players using their phones while at the table, even if they were not actively engaged in a hand.

It was at this point I petitioned the commission to delete ARSD 20:18:12.01:18, as it was an undue burden on both the players and the casino staff. Upon first petition to the previous Executive Secretary, Susan Christian, I was denied the deletion. Immediately after being denied the deletion, Mrs. Christian informed me that so long as a player is not actively engaged in a hand, he or she may use their electronic device.

I immediately emailed the head of enforcement for the SD Commission on gaming, Mr Craig Sparrow, who disagreed with the interpretation offered by Susan Christian. This showed a lack of understanding and corroboration between the Executive Secretary and the enforcement staff.

I then further appealed for the deletion to the commission at the quarterly business meeting on December 16, 2020. I was also denied the deletion at that time.

As of now I currently have 2 different interpretations of the same rule from previous SD Commission on Gaming staff. I want to know the current interpretation of the rule as it is written.

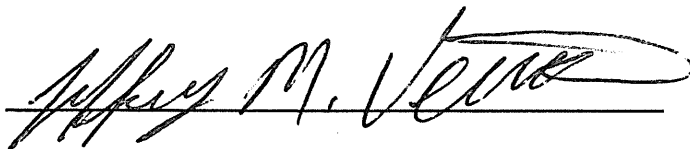
(3) A: Define electronic device as used in ARSD20:18:12.01:18.

B: Are players allowed to use any type of electronic device while not in a hand, but seated in a player banked poker game?

C: Are all players allowed to use an electronic communication device while seated at a poker table, so long as the device is not used for direct communication? By direct communication, I'm referring to calling and texting.

D: Are all electronic devices, even those without cellular capabilities prohibited? Is a tablet, such as an IPAD or other similar device, prohibited from being used by all players while seated at a player banked gaming table?

Dated at Belle Fourche SD, this 29th day of May, 2025

A handwritten signature in black ink, appearing to read "Jeffrey M. Vetter", is written over a horizontal line.

**SOUTH DAKOTA COMMISSION ON GAMING**

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NOTICE OF HEARING

TO: Jeff Vetter
1805 10th Ave.
Belle Fourche, SD 57717-2158

In the matter of a declaratory ruling


Notice is hereby given that a hearing will be held before the South Dakota Commission on Gaming on September 16, 2025, at 9:00 AM in the City Commission Chambers of Deadwood City Hall, located at 102 Sherman Street, Deadwood, SD 57732.

The purpose of this hearing is for the Commission to receive additional evidence regarding a petition for a declaratory ruling regarding ARSD 20:18:12.01:18 and the definition of an electronic device for communication.

The hearing is held by the authority of SDCL 1-26-15, and ARSD 20:18:04:01

The administrative rule involved is ARSD 20:18:12.01:18

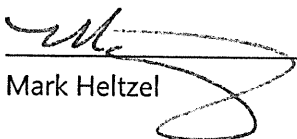
Dated at Spearfish, South Dakota, the 19th day of August 2025.

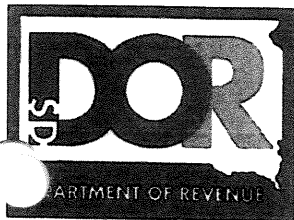

Mark Heltzel
Executive Secretary

Certificate of Service

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

By certified mail, return receipt requested, with postage prepaid, on the 19th day of August 2025.


Mark Heltzel



SOUTH DAKOTA COMMISSION ON GAMING

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UNAPPROVED MINUTES

South Dakota Commission on Gaming Public Hearing to Amend Rules and Quarterly Business Meeting Deadwood City Hall, Deadwood, South Dakota

MINUTES

June 17, 2025

At 9:00 a.m. the meeting was called to order. Commissioner Harry Christianson, Commissioner Bob Goetz, Commissioner Spencer Hawley, and Commissioner Daryl Christensen were present. Commissioner Mark Millage was unable to attend the meeting. Staff members present for the meeting were Doug Abraham, Commission Attorney; Mark Heltzel, Executive Secretary; and Brandon Snyder, Director of Enforcement.

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

On a roll call all Commissioners were present.

Commissioner Hawley
Commissioner Goetz
Commissioner Christensen
Vice Chairman Christianson

Conflicts of Interest Disclosure

On a roll call no conflicts of interest were disclosed.

Commissioner Hawley	Nay
Commissioner Goetz	Nay
Commissioner Christensen	Nay
Vice Chairman Christianson	Nay

Election of Chair and Vice Chair for Fiscal Year 2026

Commissioner Hawley made a motion to nominate Vice Chairman Christianson for Chairman. Commissioner Goetz seconded the motion which carried unanimously.

Commissioner Goetz made a motion to nominate Commissioner Hawley for Vice Chairman. Chairman Christianson seconded the motion, which carried unanimously.

With no other nominations Commissioner Christianson is the Chairman and Commissioner Hawley is the Vice Chairman.

Adoption of Quarterly Business Meeting Agenda

Commissioner Goetz made a motion to adopt the meeting agenda with the addition of new business added to the agenda after old business. Commissioner Hawley seconded the motion which carried unanimously.

Proposed Rules to be Amended

Mark Heltzel, Executive Secretary, presented the proposed changes for each rule, the opportunity for public comment was offered and no member of the public testified in regard to the proposed changes.

- 1) ARSD 20:04:27:12 Penalty for use of illegal substances
- 2) ARSD 20:04:27:14 Restrictions on use of authorized drugs

Commissioner Hawley made a motion to adopt the ARCI model with LRC changes for their style and form compliance. Commissioner Christensen seconded the motion, which carried unanimously.

General Meeting

March 18, 2025, Quarterly Meeting

Commissioner Goetz made a motion to adopt the minutes as drafted for the March 18, 2025, quarterly meeting. Commissioner Hawley seconded the motion which carried unanimously.

Old Business

There was no old business to be discussed.

New Business

Senate Bill 62

The South Dakota Legislature during the 2025 Session passed Senate Bill 62, which requires state agencies to "adopt a written policy on reporting improper governmental conduct and crime and submitting records evidencing the improper governmental conduct or crime." SB 62 becomes effective July 1, 2025.

The South Dakota Commission on Gaming (Commission) therefore adopts the following policy:

Effective July 1, 2025, the Commission adopts the written policy or policies adopted by BHRA on or before July 1, 2025, regarding mandatory reporting, the reporting of improper governmental conduct and crime, and the submission of records evidencing improper governmental conduct or crime. The Commission's policy is applicable to all individuals statutorily subject to SB 62.

Commissioner Goetz made a motion to adopt the policy as stated above. Commissioner Christensen seconded the motion which carried unanimously.

Remarks by Representative of Gaming Laboratories International

Steven May, Client Solutions Executive, for Gaming Laboratories International, gave a brief report on testing and consulting services.

Approval of GLI Contract for Device Testing and Consulting Services

Commissioner Goetz made a motion to approve the contract with Gaming Laboratories International. Commissioner Hawley seconded the motion which carried unanimously.

Live Racing Matters

1) Condition Book

Mark Heltzel, Executive Secretary, stated that staff recommended approval of the Verendrye Benevolent Association condition book as listed on pages 22-30 of the meeting packet for the 2025 live horse racing season.

Commissioner Hawley made a motion to approve the condition book. Commissioner Goetz seconded the motion which carried unanimously.

2) Allocations

Mark Heltzel, Executive Secretary, stated that staff recommended the proposed resolutions for the allocation of funds to the Verendrye Benevolent Association for the 2025 live horse racing season.

Resolution 06-25-01

The allocation of funds from the Revolving and Bred funds for purse supplements and racing operations for the 2025 live horse racing season.

Commissioner Christensen made a motion to approve Resolution 06-25-01. Commissioner Hawley seconded the motion which carried unanimously.

3) Jockey Bonus

Resolution 06-25-02

The allocation of funds from Revolving fund for the Jockey bonus for the 2025 live horse racing season.

Commissioner Hawley made a motion to approve Resolution 06-25-02. Commissioner Goetz seconded the motion which carried unanimously.

4) Track Bond and Insurance

Resolution 6-25-03

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

The Executive Secretary also stated that staff recommended 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 goods and services provided to the corporation or association in conducting its racing operations in the amount of \$25,000.00.

Commissioner Goetz made a motion to approve the track insurance and bond of \$25,000.00. Commissioner Christensen seconded the motion which carried unanimously.

5) Verendrye Benevolent Association Horse Racing Officials

Commissioner Hawley made a motion to approve the Verendrye Benevolent Association horse racing officials as listed on pages 49-50 of the meeting packet for the 2025 live horse racing season. Commissioner Goetz seconded the motion which carried unanimously.

6) Commission Horse Racing Officials

Commissioner Goetz made a motion to approve the Commission horse racing officials as listed on page 53 of the meeting packet for the 2025 live horse racing season. Commissioner Hawley seconded the motion which carried unanimously.

7) Horse Racing Contracts

Dr. Cooper, DVM

Commissioner Goetz made a motion to approve the contract with Dr. Cooper for the 2025 live horse racing season. Commissioner Christensen seconded the motion which carried unanimously.

Center for Tox Services Consulting Contract

Commissioner Christensen made a motion to approve the contract with Center for Tox Services for the 2025 live horse racing season. Commissioner Hawley seconded the motion which carried unanimously.

Stanley County Sheriff Cooperative Agreement

Commissioner Christensen made a motion to approve the contract with Stanley County Sheriff for the 2025 live horse racing season. Commissioner Hawley seconded the motion which carried unanimously.

Approval of Stipulation and Assurance of Voluntary Compliance

Aces, Full Inc., dba Mr. Wu's

A monetary penalty of \$5,000.00 to be paid not later than June 2, 2025, was imposed for a complaint that was filed on February 20, 2025, alleging that the Defendant engaged in conduct constituting grounds for disciplinary action. The Defendant failed to place a patron on their self-exclusion plan violating ARSD 20:18:12.01:26. An informal consultation was held, and licensee agreed to the complaint, agreed to return \$3,450.00 to the affected patron, and paid the fine.

Brinton Hamm

A monetary penalty of \$250.00 to be paid no later than April 30, 2025, and Defendant's gaming license suspended for two days, was imposed for a complaint that was filed on February 20, 2025, alleging that the Defendant engaged in conduct constituting grounds for disciplinary action. The Defendant failed to place a patron on their self-exclusion plan violating ARSD 20:18:12.01:26. An informal consultation was held, and licensee agreed to the complaint, paid the fine and turned in gaming license from April 23, 2025, to April 25, 2025.

Commissioner Goetz made a motion to accept the Stipulation and Assurance of Voluntary Compliance for Aces Full, Inc., dba Mr. Wu's and Brinton Hamm. Commissioner Hawley seconded the motion which carried unanimously.

Clark and Apex, LLC

A monetary penalty of \$750.00 to be paid not later than April 30, 2025, was imposed for a complaint that was filed on February 20, 2025, alleging that the Defendant engaged in conduct constituting grounds for disciplinary action. The Defendant did not have licensed employees on premises while gaming was being operated, violating ARSD 20:18:12.01:16 and SDCL 42-7B-40. An informal consultation was held, and licensee agreed to the complaint, and paid the fine.

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

Internet Sports International (ISI)

A monetary penalty of \$11,500.00 to be paid not later than June 3, 2025, was imposed for a complaint that was filed on February 20, 2025, alleging that the Defendant engaged in conduct constituting grounds for disciplinary action. The Defendant failed to have an annual integrity and risk assessment completed in calendar year 2024, violating ARSD 20:18:35:01.06. An informal consultation was held, and licensee agreed to the complaint, and paid the fine.

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

Deadwood Licensing Matters

Key License Approvals

Executive Secretary Heltzel recommended approval of the following:

Jeff Girard	Angela Miller	Michael Dowty
Aimee Miller	Oliver Chow	John Steely
Jeffrey Hook	Kurt Sullivan	Jacqueline Sarcinelli
Hiroshi Matsumoto	Chad Boynak	Benjamin Winston
Michael Marchetti	Anne Tucker	Jehad Attiyah
Husam Attiyah	Jolene Krajnik	Michael Costanzo
Russell Harper	Gil Rotem	James Gwynn
Lori Plew	Jason Rood	Craig Sasamura
Robert Smith, Jr.	William Walkowski	

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

Business License Approvals

Executive Secretary Heltzel recommended approval of the following:

- Approval of Passport Technology USA for an Associated Equipment license
- Approval of BetWorks, Inc. for a Sports Wagering Provider's license
- Approval of SGI, LLC for a Gaming Property Owner's license
- Approval of Hospitality Management, LLC for a Gaming Property Owner's license
- Approval of Deadwood Gaming Inc. for an Operator license and five Retail licenses to be assigned at Deadwood Gulch Resort.

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

Business License Renewals

Executive Secretary Heltzel recommended the approval of all Operators, Route Operators, Retails, Property Owners, Manufacturers, Associated Equipment, and Sports Wagering Service Provider licenses as listed on pages 111-112 of the meeting packet.

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

Exclusion List

Removal of Pamela Potter

Commissioner Hawley made a motion to remove Pamela Potter from the exclusion list. Commissioner Goetz seconded the motion which carried unanimously.

Comments by Tim Stupka from OTB, LLC, dba Railbirds

Tim Stupka, representing OTB, LLC, dba Railbirds, gave a brief report on how the OTB is going since opening in March of 2025. He addressed some issues that players want to see transactions in real time, players want 24/7 access, and the future of horse betting apps.

Comments by DGA Executive Director George Milos

George Milos, Executive Director of the Deadwood Gaming Association, a few weeks ago had discussions with Executive Secretary Mark Heltzel on some issues that the industry is having, and Mr. Heltzel gave an update on the progress for creating rules for cashless wagering.

Public Comment

Shane Kramme thanked the Commission for approving the fund request and condition book and appreciated the comments by Mr. Chairman and Mr. Stupka regarding the challenges that SD horse racing is facing.

Date of Next Meeting

The next quarterly meeting is scheduled for September 16, 2025.

Commissioner Goetz made a motion to approve the scheduled meeting for September 16, 2025. Commissioner Christensen seconded the motion which carried unanimously.

Executive Session

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

At 10:30 a.m. the Commissioners went into Executive Session pursuant to SDCL 1-25-2 and 42-7B-8.1

The Executive Session was concluded at 11:24 a.m. with no action taken.

Adjournment

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

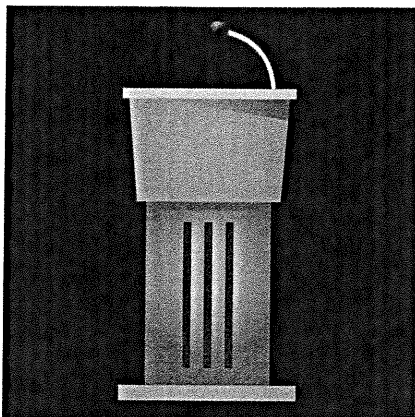
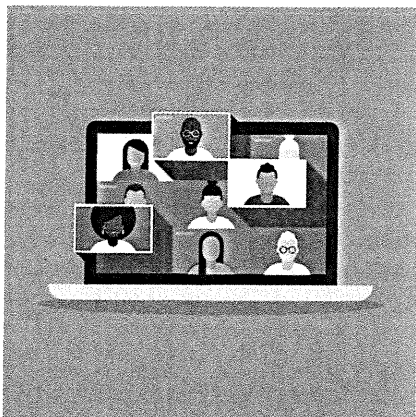
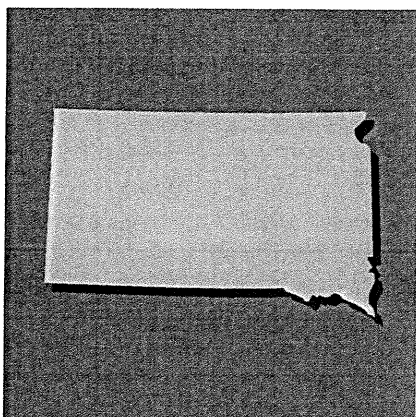
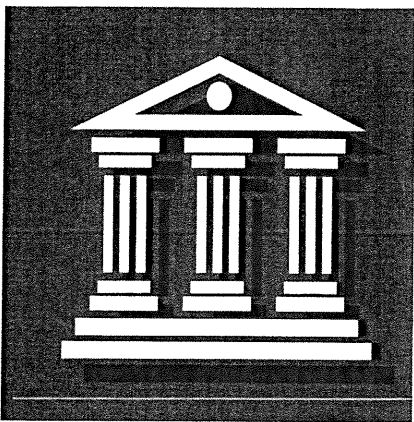
The meeting was adjourned at 11:25 a.m.

Respectfully Submitted,

Kathy Beringer

Harry Christianson, Chairman

Mark Heltzel, Executive Secretary



Conducting the Public's Business in Public

A guide to South Dakota's
Open Meetings Laws
(Revised 2025)

Prepared by:
S.D. Attorney General's Office
in partnership with the
S.D. NewsMedia Association

Published by:
South Dakota NewsMedia Association
1125 32nd Ave. Brookings, SD 57006

Q: WHAT ARE SOUTH DAKOTA'S OPEN MEETINGS LAWS?

A: South Dakota's open meetings laws embody the principle that the public is entitled to the greatest possible information about public affairs and are intended to encourage public participation in government. SDCL Ch. 1-25 requires that official meetings of public bodies must be public and advance notice is to be given of such meetings. The statutes define an "official meeting" as one where a quorum of the public body is present and at which official business or public policy of the body is discussed or decided. Openness in government is encouraged.

Q: WHO DOES THE OPEN MEETINGS LAWS APPLY TO?

A: The open meetings laws apply to all public bodies of the state and its political subdivisions. SDCL 1-25-1, 1-25-12(3). This includes cities, counties, school boards and other public bodies created by ordinance or resolution, such as appointed boards, task forces, and committees, so long as they have authority to exercise sovereign power. SDCL 1-25-12(2). Although no court decisions have been issued on the subject, this probably does not include bodies that serve only in an advisory capacity. The State Constitution allows the Legislature and the Unified Judicial System to create rules regarding their own separate functions.

Q: ARE TELECONFERENCES CONSIDERED PUBLIC MEETINGS?

A: Yes. The open meetings laws allow meetings, including executive or closed meetings, to be conducted by teleconference – defined as an exchange of information by audio, video, or electronic means (including the internet) – if a place is provided for the public to participate. SDCL 1-25-1.5, 1-25-12(5). In addition, for teleconferences where

less than a quorum of the public body is present at the location open to the public, arrangements must also be made for the public to listen by telephone or internet (except for portions of meetings properly closed for executive sessions). SDCL 1-25-1.6. The media and public must be notified of teleconference meetings under the same notice requirements as any other meeting.

Q: HOW ARE THE PUBLIC AND MEDIA NOTIFIED WHEN PUBLIC BUSINESS IS BEING DISCUSSED?

A: SDCL 1-25-1.1 requires that all political subdivisions (except the state and its boards, commissions, or departments as provided in § 1-25-1.3) prominently post a notice and copy of the proposed agenda at the political subdivision's principal office. At a minimum, the proposed agenda must include the date, time, and location of the meeting and must be visible, readable, and accessible to the public for 24 continuous hours immediately preceding the meeting. Also, if the political subdivision has its own website, the notice must be posted on the website upon dissemination of the notice. For special or rescheduled meetings, political subdivisions must comply with the regular meeting notice requirements as much as circumstances permit. The notice must be delivered in person, by mail, by email, or by telephone to all local news media who have asked to be notified. It is good practice for local media to renew requests for notification of special or rescheduled meetings at least annually.

SDCL 1-25-1.3 varies slightly from SDCL 1-25-1.1 and requires the State and its agencies, boards, commissions, or departments to give notice by posting a proposed agenda at least 72 continuous hours before a meeting is scheduled to start (this does not include any weekend or legal holiday). The State is also required to give notice of a public meeting by posting its proposed agenda on <http://boardsandcommissions.sd.gov>.

Q: WHO ARE LOCAL NEWS MEDIA?

A: There is no definition of “local news media” in SDCL ch. 1-25. “News media” is defined in SDCL 13-1-57 generally as those personnel of a newspaper, periodical, news service, radio station, or television station regardless of the medium through which their content is delivered. The Attorney General is of the opinion that “local news media” is all news media – broadcast and print – that regularly carry news to the community.

Q: IS A PUBLIC COMMENT PERIOD REQUIRED AT PUBLIC MEETINGS?

A: Yes. Public bodies are required to provide at every official meeting a period of time on their agenda for public comment. SDCL 1-25-1. Each public body has the discretion to limit public comment as to the time allowed for each topic commented on, and as to the total time allowed for public comment. Public comment is not required at meetings held solely for an executive session, inauguration, presentation of an annual report, or swearing in of elected officials.

Q: CAN PUBLIC MEETINGS BE RECORDED?

A: Yes, SDCL 1-25-11 requires public bodies to allow recording (audio or video) of their meetings if the recording is reasonable, obvious, and not disruptive. This requirement does not apply to those portions of a meeting confidential or closed to the public.

Q: WHEN CAN A MEETING BE CLOSED TO THE PUBLIC AND MEDIA?

A: SDCL 1-25-2 allows a public body to close a meeting for the following purposes: 1) to discuss personnel issues pertaining to officers or employees; 2) consideration of the performance or discipline of a student, or the student's participation in interscholastic activities; 3) consulting with legal counsel, or reviewing communications from legal counsel about proposed or pending litigation or

contractual matters; 4) employee contract negotiations; 5) to discuss marketing or pricing strategies of a publicly-owned competitive business; or 6) to discuss information related to the protection of public or private property such as emergency management response plans or other public safety information. The statute also recognizes that executive session may be appropriate to comport with other laws that require confidentiality or permit executive or closed meetings. Federal law pertaining to students and medical records will also cause school districts and other entities to conduct executive sessions or conduct meetings to refrain from releasing confidential information. Meetings may also be closed by cities and counties for certain economic development matters. SDCL 9-34-19.

Note that SDCL 1-25-2 and SDCL 9-34-19 do not require meetings be closed in any of these circumstances.

Any official action based on discussions in executive session must, however, be made at an open meeting.

Q: WHAT IS THE PROPER PROCEDURE FOR EXECUTIVE SESSIONS?

A: Motions for executive sessions must refer to the specific state or federal law allowing for the executive session i.e. “pursuant to SDCL 1-25-2(3).” Also, best practice to avoid public confusion would be that public bodies explain the reason for going into executive session. For example, the motion might state “motion to go into executive session pursuant to SDCL 1-25-2(1) for the purposes of discussing a personnel matter,” or “motion to go into executive session pursuant to SDCL 1-25-2(3) for the purposes of consulting with legal counsel.”

Discussion in the executive session must be strictly limited to the announced subject. No official votes may be taken on any matter during an executive session. The public body must return to open session before any official action can be taken.

Q: WHAT HAPPENS IF THE MEDIA OR PUBLIC IS IMPROPERLY EXCLUDED FROM A MEETING OR OTHER VIOLATIONS OF THE OPEN MEETING LAWS OCCUR?

A: Excluding the media or public from a meeting that has not been properly closed subjects the public body or the members involved to: (a) prosecution as a Class 2 misdemeanor punishable by a maximum sentence of 30 days in jail, a \$500 fine or both; or (b) a reprimand by the Open Meeting Commission ("OMC"). The same penalties apply if the agenda for the meeting is not properly posted, or other open meeting violations occur.

Also, action taken during any meeting that is not open or has not been properly noticed could, if challenged, be declared null and void.

Q: HOW ARE ISSUES REFERRED TO THE OPEN MEETINGS COMMISSION ("OMC")?

A: Persons alleging violations of the open meetings laws must make their complaints with law enforcement officials in the county where the offense occurred. After a signed and notarized complaint is made under oath, and any necessary investigation is conducted, the State's Attorney may: (a) prosecute the case as a misdemeanor; (b) find that the matter has no merits and file a report with the Attorney General for statistical purposes; or (c) forward the complaint to the OMC for a determination. The OMC is comprised of five State's Attorneys or Deputy State's Attorneys appointed by the Attorney General. The OMC examines whether a violation has occurred and makes written public findings explaining its reasons. If you have questions on the procedures or status of a pending case, you may contact the Attorney General's Office at 605-773-3215 to talk to an assistant for the OMC. Procedures for the OMC are posted on the website for the Office of Attorney General. <http://atg.sd.gov/>.

Q: WHAT DOES THE TERM "SOVEREIGN POWER" MEAN?

A: The open meetings laws do not define this term, but it generally means the power to levy taxes, impose penalties, make special assessments, create ordinances, abate nuisances, regulate the conduct of others, or perform other traditional government functions. The term may include the exercise of many other governmental functions. If an entity is unclear whether it is exercising "sovereign power" it should consult with legal counsel.

Q: MAY AGENDA ITEMS BE CONSIDERED IF THEY ARE ADDED LESS THAN 24 HOURS BEFORE A MEETING?

A: Proposed agendas for public meetings must be posted at least 24 hours in advance of the meeting. The purpose of providing advance notice of the topics to be discussed at a meeting is to provide information to interested members of the public concerning the governing body's anticipated business. Typically, the public body adopts the final agenda upon convening the meeting. At the time the final agenda is adopted, the governing body may add or delete agenda items and may also change the order of business. See *In re Yankton County Commission, Open Meetings Commission Decision # 20-03*, December 31, 2020. New items cannot be added after the agenda has been adopted by the governing body.

Public bodies are strongly encouraged to provide at least 24 hours' notice of all agenda items so as to be fair to the public and to avoid dispute.

For special or rescheduled meetings, public bodies are to comply to the extent circumstances permit. In other words, posting less than 24 hours in advance may be permissible in emergencies.

Q: ARE EMAIL DISCUSSIONS "MEETINGS" FOR PURPOSES OF THE OPEN MEETINGS LAWS?

A: The definition of an "official meeting" in SDCL 1-25-12(1) specifically includes meetings conducted by "electronic means, including electronic mail, instant messaging, social media, text message, or virtual meeting platform[.]" A quorum of a public body that discusses official business of that body via electronic means is conducting an official meeting for purposes of the open meetings laws. Electronic communications made solely for scheduling purposes do not fall within the definition of an official meeting.

Q: WHAT RECORDS MUST BE AVAILABLE TO THE PUBLIC IN CONJUNCTION WITH PUBLIC MEETINGS?

A: SDCL 1-25-1.4 requires state boards, commissions, or departments to make public meeting materials available on <http://boardsandcommissions.sd.gov>. SDCL 1-27-1.16 requires that any other public body must post meeting materials on the public body's website or make those materials available to the public at least twenty-four hours prior to the hearing or when made available to the members of the public body, whichever is later. Finally, SDCL 1-27-1.17 requires that draft minutes of public meetings must be made available to the public at the principal place of business for the public body within 10 business days after the meeting (or made available on the website for the public body within five business days).

These laws are in addition to any specific requirements for public bodies (i.e., publication requirements in state laws pertaining to cities, counties, or school districts). Enforcement of public records laws contained in SDCL Ch. 1-27 are handled by separate procedures found in SDCL 1-27-35, et. seq. rather than the open meeting procedures described above. Violations of SDCL 1-27-1.16 and 1-27-1.17 are also Class 2 misdemeanors.

Q: WHAT REQUIREMENTS APPLY TO TASK FORCES, COMMITTEES AND WORKING GROUPS?

A: Task forces and committees that exercise "sovereign power," and are created by statute, ordinance, or proclamation are required to comply with the open meetings laws. SDCL 1-25-12(1). Task forces, committees, and working groups that are not created by statute, ordinance, or proclamation, or are advisory only, may not be subject to the open meetings laws, but are encouraged to comply to the extent possible when public matters are discussed. Ultimately, if such advisory task forces, committees and working groups present any reports or recommendations to public bodies, the public bodies must wait until the next meeting (or later) before taking final action on the recommendations. SDCL 1-27-1.18.

Q: ARE PUBLIC BODIES REQUIRED TO REVIEW THE OPEN MEETINGS LAWS?

A: Public bodies must annually review an explanation of the open meetings laws provided by the Attorney General, along with any other material pertaining to the open meetings laws made available by the Attorney General. SDCL 1-25-13. Each public body must report in its minutes that the annual review of the open meetings laws was completed.

PERTINENT S.D. OPEN MEETINGS STATUTES
(other specific provisions may apply depending on the public body involved)

1-25-1. OPEN MEETINGS. An official meeting of a public body is open to the public unless a specific law is cited by the public body to close the official meeting to the public.

It is not an official meeting of one public body if its members provide information or attend the official meeting of another public body for which the notice requirements of § 1-25-1.1 or 1-25-1.3 have been met. It is not an official meeting of a public body if its members attend a press conference called by a representative of the public body.

For any event hosted by a nongovernmental entity to which a quorum of the public body is invited and public policy may be discussed, but the public body does not control the agenda, the public body may post a public notice of a quorum, in lieu of an agenda. The notice of a quorum must meet the posting requirements of § 1-25-1.1 or 1-25-1.3 and must contain, at a minimum, the date, time, and location of the event.

The public body shall reserve at every official meeting a period for public comment, limited at the public body's discretion as to the time allowed for each topic and the total time allowed for public comment, but not so limited as to provide for no public comment.

Public comment is not required at an official meeting held solely for the purpose of meeting in executive session, an inauguration, presentation of an annual report to the public body, or swearing in of a newly elected official, regardless of whether the activity takes place at the time and place usually reserved for an official meeting.

If a quorum of township supervisors, road district trustees, or trustees for a municipality of the third class meets solely for purposes of implementing previously publicly adopted policy; carrying out ministerial functions of that township, district, or municipality; or undertaking a factual investigation of conditions related to public safety; the meeting is not subject to the provisions of this chapter.

A violation of this section is a Class 2 misdemeanor.

1-25-1.1. PUBLIC NOTICE OF POLITICAL SUBDIVISIONS. Each political subdivision shall provide public notice, with proposed agenda, that is visible, readable, and accessible for at least an entire, continuous twenty-four hours immediately preceding any official meeting, by posting a copy of the notice, visible to the public, at the principal office of the political subdivision holding the meeting. The proposed agenda shall include the date, time, and location of the meeting. The notice shall also be posted on the political subdivision's website upon dissemination of the notice, if a website exists. For any special or rescheduled meeting, the information in the notice shall be delivered in person, by mail, by email, or by

telephone, to members of the local news media who have requested notice. For any special or rescheduled meeting, each political subdivision shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit. A violation of this section is a Class 2 misdemeanor.

1-25-1.3. PUBLIC NOTICE OF STATE. The state shall provide public notice of a meeting by posting a copy of the proposed agenda at the principal office of the board, commission, or department holding the meeting. The proposed agenda shall include the date, time, and location of the meeting, and be visible, readable, and accessible to the public. The agenda shall be posted at least seventy-two hours before the meeting is scheduled to start according to the agenda. The seventy-two hours does not include Saturday, Sunday, or legal holidays. The notice shall also be posted on a state website, designated by the commissioner of the Bureau of Finance and Management. For any special or rescheduled meeting, the information in the notice shall be delivered in person, by mail, by email, or by telephone, to members of the local news media who have requested notice. For any special or rescheduled meeting, the state shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit. A violation of this section is a Class 2 misdemeanor.

1-25-1.5. TELECONFERENCE MEETING. Any official meeting may be conducted by teleconference. A teleconference may be used to conduct a hearing or take final disposition regarding an administrative rule pursuant to § 1-26-4. A member is deemed present if the member answers present to the roll call conducted by teleconference for the purpose of determining a quorum. Each vote at an official meeting held by teleconference may be taken by voice vote. If any member votes in the negative, the vote shall proceed to a roll call vote.

1-25-1.6. TELECONFERENCE PARTICIPATION. At any official meeting conducted by teleconference, there shall be provided one or more places at which the public may listen to and participate in the teleconference meeting. For any official meeting held by teleconference, that has less than a quorum of the members of the public body participating in the meeting who are present at the location open to the public, arrangements shall be provided for the public to listen to the meeting via telephone or internet. The requirement to provide one or more places for the public to listen to the teleconference does not apply to official meetings closed to the public pursuant to specific law.

1-25-2. EXECUTIVE SESSION. Executive or closed meetings may be held for the sole purposes of:

(1) Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term, employee, does not include any independent contractor;

(2) Discussing the expulsion, suspension, discipline, assignment of or the educational program of a student or the eligibility of a student to participate in interscholastic activities provided by the South Dakota High School Activities Association;

(3) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters;

(4) Preparing for contract negotiations or negotiating with employees or employee representatives;

(5) Discussing marketing or pricing strategies by a board or commission of a business owned by the state or any of its political subdivisions, when public discussion may be harmful to the competitive position of the business; or

(6) Discussing information pertaining to the protection of public or private property and any person on or within public or private property specific to:

(a) Any vulnerability assessment or response plan intended to prevent or mitigate criminal acts;

(b) Emergency management or response;

(c) Public safety information that would create a substantial likelihood of endangering public safety or property, if disclosed;

(d) Cyber security plans, computer, communications network schema, passwords, or user identification names;

(e) Guard schedules;

(f) Lock combinations;

(g) Any blueprint, building plan, or infrastructure record regarding any building or facility that would expose or create vulnerability through disclosure of the location, configuration, or security of critical systems of the building or facility; and

(h) Any emergency or disaster response plans or protocols, safety or security audits or reviews, or lists of emergency or disaster response personnel or material; any location or listing of weapons or ammunition; nuclear, chemical, or biological agents; or other military or law enforcement equipment or personnel.

However, any official action concerning the matters pursuant to this section shall be made at an open official meeting. An executive or closed meeting must be held only upon a majority vote of the members of the public body present and voting, and discussion during the closed meeting

is restricted to the purpose specified in the closure motion. Nothing in § 1-25-1 or this section prevents an executive or closed meeting if the federal or state Constitution or the federal or state statutes require or permit it. A violation of this section is a class 2 misdemeanor.

1-25-6. DUTY OF STATE'S ATTORNEY. If a complaint alleging a violation of chapter 1-25 is made pursuant to § 23A-2-1, the state's attorney shall take one of the following actions:

(1) Prosecute the case pursuant to Title 23A;

(2) Determine that there is no merit to prosecuting the case. Upon doing so, the state's attorney shall send a copy of the complaint and any investigation file to the attorney general. The attorney general shall use the information for statistical purposes and may publish abstracts of such information, including the name of the government body involved for purposes of public education; or

(3) Send the complaint and any investigation file to the South Dakota Open Meetings Commission for further action.

1-25-6.1. DUTY OF STATE'S ATTORNEY (COUNTY COMMISSION ISSUES). If a complaint alleges a violation of this chapter by a board of county commissioners, the state's attorney shall take one of the following actions:

(1) Prosecute the case pursuant to Title 23A;

(2) Determine that there is no merit to prosecuting the case. The attorney general shall use the information for statistical purposes and may publish abstracts of the information as provided by § 1-25-6;

(3) Send the complaint and any investigation file to the South Dakota Open Meetings Commission for further action; or

(4) Refer the complaint to another state's attorney or to the attorney general for action pursuant to § 1-25-6.

1-25-7. REFERRAL TO OMC. Upon receiving a referral from a state's attorney or the attorney general, the South Dakota Open Meetings Commission shall examine the complaint and investigatory file submitted by the state's attorney or the attorney general and shall also consider signed written submissions by the persons or entities that are directly involved. Based on the investigatory file submitted by the state's attorney or the attorney general and any written responses, the commission shall issue a written determination on whether the conduct violates this chapter, including a statement of the reasons therefor and findings of fact on each issue and conclusions of law necessary for the proposed decision. The final decision shall be made by a majority of the commission members, with each member's vote set forth in the written decision. The final decision shall be filed with the attorney general and shall be provided to the public entity and or public officer involved, the state's attorney,

and any person that has made a written request for such determinations. If the commission finds a violation of this chapter, the commission shall issue a public reprimand to the offending official or governmental entity. However, no violation found by the commission may be subsequently prosecuted by the state's attorney or the attorney general. All findings and public censures of the commission shall be public records pursuant to § 1-27-1. Sections 1-25-6 to 1-25-9, inclusive, are not subject to the provisions of chapter 1-26.

1-25-8. OMC Members. The South Dakota Open Meeting Commission is comprised of five state's attorneys or deputy state's attorneys appointed by the attorney general. Each commissioner serves at the pleasure of the attorney general. The members of the commission shall choose a chair of the commission annually by majority vote.

1-25-12. DEFINITIONS. Terms used in the open meetings laws mean:

(1) "Official meeting," any meeting of a quorum of a public body at which official business or public policy of that public body is discussed or decided by the public body, whether in person or by means of teleconference or electronic means, including electronic mail, instant messaging, social media, text message, or virtual meeting platform, provided the term does not include communications solely to schedule a meeting or confirm attendance availability for a future meeting;

(2) "Political subdivision," any association, authority, board, municipality, commission, committee, council, county, school district, task force, town, township, or other local governmental entity, which is created by statute, ordinance, or resolution, and is vested with the authority to exercise any sovereign power derived from state law;

(3) "Public body," any political subdivision or the state;

(4) "State," each agency, board, commission, or department of the State of South Dakota, not including the Legislature; and

(5) "Teleconference," an exchange of information by any audio, video, or electronic medium, including the internet.

1-25-13. ANNUAL REVIEW OF OPEN MEETING LAWS. Any agency, as defined in § 1-26-1, or political subdivision of this state, that is required to provide public notice of its meetings pursuant to § 1-25-1.1 or 1-25-1.3 must annually review the following, during an official meeting of the agency or subdivision:

(1) The explanation of the open meeting laws of this state published by the attorney general, pursuant to § 1-11-1; and

(2) Any other material pertaining to the open meeting laws of this state provided by the attorney general.

The agency or subdivision must include in the minutes of the official meeting an acknowledgement that the review was completed.

1-27-1.16. MEETING PACKETS AND MATERIALS.

If a meeting is required to be open to the public pursuant to § 1-25-1 and if any printed material relating to an agenda item of the meeting is prepared or distributed by or at the direction of the governing body or any of its employees and the printed material is distributed before the meeting to all members of the governing body, the material shall either be posted on the governing body's website or made available at the official business office of the governing body at least twenty-four hours prior to the meeting or at the time the material is distributed to the governing body, whichever is later. If the material is not posted to the governing body's website, at least one copy of the printed material shall be available in the meeting room for inspection by any person while the governing body is considering the printed material. However, the provisions of this section do not apply to any printed material or record that is specifically exempt from disclosure under the provisions of this chapter or to any printed material or record regarding the agenda item of an executive or closed meeting held in accordance with § 1-25-2. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to printed material, records, or exhibits involving contested case proceedings held in accordance with the provisions of chapter 1-26.

1-27-1.17. DRAFT MINUTES. The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not apply if an audio or video recording of the meeting is available to the public on the governing body's website within five business days after the meeting. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to draft minutes of contested case proceedings held in accordance with the provisions of chapter 1-26.

1-27-1.18. WORKING GROUP REPORTS. Any final recommendations, findings, or reports that result from a meeting of a committee, subcommittee, task force, or other working group which does not meet the definition of a political subdivision or public body pursuant to § 1-25-1, but was appointed by the governing body, shall be reported in open meeting to the governing body which appointed the committee, subcommittee, task force, or other working group. The governing body shall delay taking any official action on the recommendations, findings, or reports until the next meeting of the governing body.



SOUTH DAKOTA COMMISSION ON GAMING

120 Industrial Drive, Suite 1 • Spearfish, SD 57783
(605) 578-3074 • dor.sd.gov/gaming

Self-Exclusion Request Form

I, _____ (please print name) request that I be placed on a Self-Exclusion list for all gaming properties in the City of Deadwood, SD for the time specified below:
(please check the appropriate time frame)

_____ **6 Months** _____ **1year** _____ **2 years** _____ **5 years** _____ **Indefinitely**

Self-exclusion provides individuals who are struggling with their gambling habits an opportunity to step away from that activity and evaluate their situation. It can allow you time to determine if additional support or resources are needed. Several programs offer help, such as the National Council of Problem Gambling at www.ncpgambling.org or 800-522-4700, Gamblers Anonymous at www.gamblersanonymous.org/ga/ or 213-386-8789, and South Dakota Behavioral Health at 211 or 1-888-781-4357

Please print clearly and complete the information requested below in its entirety. Submit to the address listed above or email to DORSDGaming@state.sd.us or fax to 605-578-2263.

Full Name: _____ **Date of Birth:** _____

Mailing Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Contact Phone #: _____ **Drivers License #:** _____

Hair Color: _____ **Eye Color:** _____ **Height:** _____

Gender: _____ **Weight:** _____ **Alias used:** _____

Please provide a **copy of your driver's license/identification card** or **facial photo** for identification; a color copy is preferred.

I understand that I will be placed on a self-exclusion list, which will be distributed to all gaming properties in the City of Deadwood, SD. I understand that entering any gaming property in the City of Deadwood, SD, after submitting this self-exclusion form is trespassing, and I could be arrested. I agree that the ultimate responsibility for staying off the gaming premises belongs to the patron. I agree that during my self-exclusion period, I may not collect any winnings or recover any losses resulting from gaming activity. I certify that the information I provided above is true and accurate. I have read, understood, and agree to the waiver and release mentioned in this request.

Signature: _____ **Date:** _____

Once a Self-Exclusion application is received and distributed to the gaming properties in Deadwood, SD. The casino's management will implement the following within 48 hrs of the notification being sent:

- Customer will be flagged in the Casino Management System, if one is used. The Casino Management System will indicate the patron signed up for self exclusion. This process could help the gaming property identify the customer and assist in stopping the customer from playing slots, sports betting or table games, as well as withdrawing money from the cashier's cage.
- If the Casino does not have a Casino Management System, all the information listed above will be completed by hand and stored in the self-exclusion binder the casino has on hand.
- The Casino Management System will generate a monthly report of all players who are entered into the self-exclusion program. This monthly report will be reviewed and checked against the list that the South Dakota Commission on Gaming has distributed. If the gaming property does not have a CMS the self-exclusion binder will be reviewed monthly.
- The Casino is required to update its records on the self-exclusion list within 48 hours of the distribution of any names added or removed from the self-exclusion list that is distributed by the South Dakota Commission on Gaming.
- All customers who have submitted their names for self-exclusion will forfeit all points, rewards, tier credits, comps, free play and any other benefits they have earned 48 hours after the South Dakota Commission on Gaming has distributed the Self Exclusion notice.
- The self-excluded customer will be omitted from all mailing lists within 48 hours of the distribution of the self exclusion notice.
- The Casino will maintain a physical "self-exclusion" binder or use the Casino Management System, that will include documentation of the customer with a photo to assist in identifying a self-excluded person.
- Self-Exclusion will start 48 hours after the South Dakota Commission on Gaming has distributed the self exclusion notice to the gaming properties in the city of Deadwood, SD, and will remain in effect for the period of time the individual selected. Distribution will be by email or hand delivery to the gaming properties in the City of Deadwood, SD.

GAMBLERS ANONYMOUS (G.A.) AND GAM-ANON INTERNATIONAL DIRECTORY

Garn-Anon International Service Offices, Inc.

P.O. Box 157, Whitestone, NY 11357
 (718) 352-1671
 Website: www.gam-anon.org
 E-mail: Info3@gam.anon.org

The National Council of Problem Gambling

208 G Street NE, Washington, D.C. 20002
 (800) 522-4700 or (202) 547-9204
 Website: www.ncpgambling.org
 Email: ncpg@ncpgambling.org

Gamblers Anonymous

International Service Offices
 P.O. Box 17173, Los Angeles, CA 90017
 (213) 386-8789 or (213) 386-0030
 Website: www.gamblersanonymous.org
 Email: isomain@gamblersanonymous.org

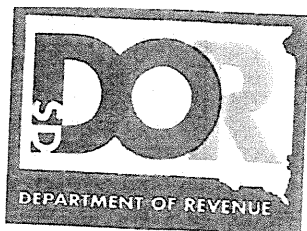
South Dakota Problem Gambling Help

711 E. Wells Ave, Pierre, SD 57501
 (605) 773-5770
 Website: lottery.sd.gov/responsible-play/
 Email: lottery@state.sd.us

South Dakota Behavioral Health Services

<https://dss.sd.gov/behavioralhealth/services.aspx>

or, call the Problem Gambling Helpline at 1-888-781-4357. Your call is always confidential.



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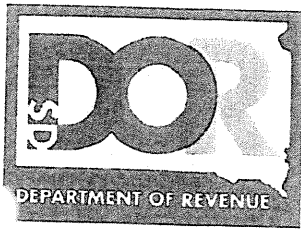
45

To: Commissioners and Doug Abraham
From: Mark Heltzel, Executive Secretary
Subject: Stipulation and Assurance of Voluntary Compliance for James Curt
SDCG license # 13475-SP, SDCG complaint # 25-06-043

Per ARSD 20:18:10:03 an informal consultation was held on August 22, 2025, to resolve the violation alleged in the Initial Complaint filed by Enforcement Agent Jarle Randall on June 30, 2025. The complaint alleged that the Defendant engaged in conduct constituting grounds for disciplinary action. The Defendant left the cashier cage door open and unattended for approximately 3 to 4 minutes, violating ARSD 20:18:20.01:03

A review of the incident, the defendant's response was reviewed. Based on that information, the licensee was fined \$100.00. The licensee has paid the fine that was imposed.

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



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SOUTH DAKOTA COMMISSION
ON GAMING,

PLAINTIFF

STIPULATION AND ASSURANCE

VS.

OF VOLUNTARY COMPLIANCE

James Curt
SDCG License #13475-23-SP
SDCG Complaint #25-06-043

DEFENDANT

RECITALS

A complaint was filed against the Defendant on June 30, 2025, by Jarle Randall, 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 August 22nd, 2025.

I

The complaint filed on June 30, 2025, alleged that the Defendant engaged in conduct constituting grounds for disciplinary action by not having the cashier's cage door closed and you not being in the room.

II

The Defendant answered the complaint on or about July 28, 2025. The Defendant's answer admitted to the conduct alleged in the Initial Complaint.

III

On June 18, 2025, for a short time in the afternoon hours, the defendant while working as a cashier, left the cashier's cage door open and unsecured while they left the room. This is a violation of ARSD 20:18:20.01:03.

The Executive Secretary imposes a monetary penalty of one hundred dollars (\$100.00). The fine is to be paid no later than 5:00 pm MDT on August 29, 2025. Please remit the penalty payment to:

South Dakota Commission on Gaming
120 Industrial Drive, Suite 1
Spearfish, SD 57783

IV

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

V

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.

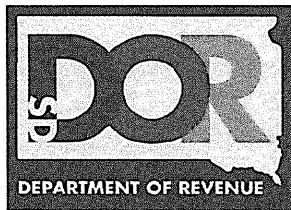
DATED at Deadwood, South Dakota, on the 22nd day of August 2025.



Mark Heltzel
Executive Secretary
South Dakota Commission on Gaming



James Curt

**SOUTH DAKOTA COMMISSION ON GAMING**

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**Licensing Matters for the September 16th, 2025
Commission Meeting****Key License Approvals:** (pp 49–57)

Tanya Nagel

Carin Royer

Angela Bond

Cage Fish

Emma Leske

Natasha Chand

Chirag Jani

Dhaval Patel

Jaysukh Dobariya

Key License (renewal):

Dylan Cole

Business License (new): (page 58)

Anand Hospitality LLC – 3 retail licenses

**SOUTH DAKOTA COMMISSION ON GAMING**

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(605) 578-3074 • dor.sd.gov/gaming

MEMORANDUM

DATE: June 16th, 2025
TO: South Dakota Commission on Gaming
FROM: S/A Nick Allender
SUBJECT: Tanya Nagel / 14423-24-KY

Applicant Summary:

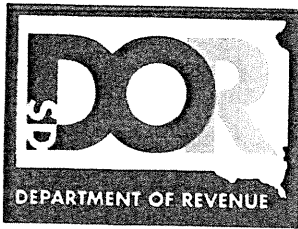
Applicant is seeking licensure due to her position at the First Gold Gaming Resort. She is the assistant manager for the player's club.

Concerns:

During the background investigation, needed information was not provided to fully investigate the applicant. Past financial, police contact, and past personal conduct were discovered.

Recommendations:

Based on this background investigation, it is recommended that Tanya Nagel be approved for a South Dakota Commission on Gaming Key License.



SOUTH DAKOTA COMMISSION ON GAMING

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MEMORANDUM

DATE: July 24th, 2025
TO: South Dakota Commission on Gaming
FROM: S/A Nick Allender
SUBJECT: Carin Royer / 14654-25-KY

Applicant Summary:

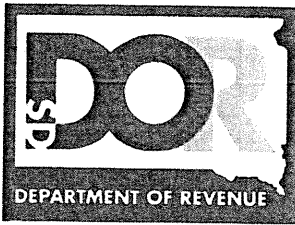
Applicant is seeking licensure due to her position at The Lodge at Deadwood where she is a slot technician and cage cashier. She has had her South Dakota Commission on Gaming Support License since November of 2024 and has had no write ups.

Concerns:

None

Recommendations:

It is recommended that Carin Royer be approved for her SDCOG Key License. No derogatory information was discovered while conducting her background investigation.



SOUTH DAKOTA COMMISSION ON GAMING

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MEMORANDUM

DATE: July 24th, 2025
TO: South Dakota Commission on Gaming
FROM: S/A Nick Allender
SUBJECT: **Angela Bond / 14845-25-KY**

Applicant Summary:

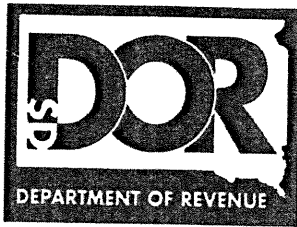
Applicant is seeking a Key License due to working at Tin Lizzie's in Deadwood, SD. She works as a slot technician as well as a cage cashier. She has had her South Dakota Support License since November of 2023 with no derogatory write ups.

Concerns:

None

Recommendations:

Based on this background investigation, it is recommended that Angela Bond be approved for a South Dakota Commission on Gaming Key License. No derogatory information was discovered during this background investigation that would prevent the applicant from obtaining a license.



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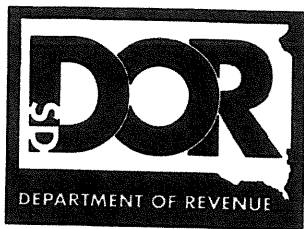
MEMORANDUM

DATE: 7/31/2025
TO: South Dakota Commission on Gaming
FROM: Jarle Randall
SUBJECT: Cage Fish
LIC. #: 14853-25-KY

The applicant is currently working at Gold Dust and has been since July of 2024. The applicant has held a support license, #13819-23-SP, since February of 2024. Cage Fish has had no derogatory comments or actions on his license.

Concerns: None

Recommendation: Approval



August 29, 2025

MEMORANDUM

DATE: 08/29/2025
TO: South Dakota Commission on Gaming
FROM: Brandon Snyder
SUBJECT: Emma Leske/14613-KY

Name of Gaming Business associated with:

The applicant is seeking licensure because she is the Head of Corporate Legal & Company and is the Secretary of Aristocrat Leisure Limited.

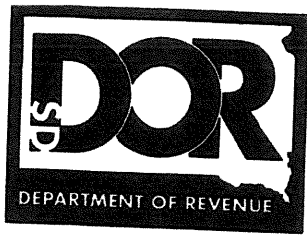
Aristocrat Technologies, Inc is a licensed manufacturer in South Dakota and has been since 1996.

Past Employment:

The applicant worked from 1998 to 1999 for Barossa Country Kitchens as a caterer/waitress. 1999 to 2005 she worked as a cocktail waitress/bar attendant/VIP attendant. From 2003 to 2005 she worked as a law clerk and legal archiving project officer for Crown Solicitor's Office. In 2005 she worked as a law clerk/lawyer for Donaldson Walsh Law Firm. From 2006 to 2016 she worked for Allens Law Firm as a Senior Associate/Lawyer. From 2009 to 2011 she worked for Nagasima Ohno & Tsunematsu as a foreign attorney. From 2016 to 2024 she worked for Westpac Banking Corporation as Practice Leader/M&A Legal, Corporate Advisory Legal, and Senior Lawyer.

Concerns: None

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



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August 29, 2025

MEMORANDUM

DATE: 08/29/2025
TO: South Dakota Commission on Gaming
FROM: Brandon Snyder
SUBJECT: Natasha Christine Chand/14569-KY

Name of Gaming Business associated with:

The applicant is seeking licensure because she currently serves as a Non-Executive Director for Aristocrat Leisure Limited.

Aristocrat Technologies, Inc. is a licensed manufacturer in South Dakota and has been since 1996.

Past Employment:

Applicant has worked for McKinsey & Co as a Principal and Associate Principal from 2000 to 2005. She worked for Levi Strauss & Co in multiple Vice President roles from 2005 to 2012. From 2012 to 2014 she worked as a Business Unit Director at Target Australia. From 2014 to 2021 she worked as a Director for Amazon.com.

Concerns: None

Recommendations: As a result of this background investigation, it is Recommended that Natahsa Chand be approved as a Key Licensee for her position with Aristocrat Technologies, Inc.

**SOUTH DAKOTA COMMISSION ON GAMING**

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DATE: 08/30/2025
TO: South Dakota Commission on Gaming
FROM: Burtis Investigations
SUBJECT: Chirag Jayantkumar Jani
LIC. #: 14700-25-KY

The applicant is the Secretary of Anand Hospitality LLC, out of Aurora, CO. He is the General Manager for the Travelodge Hotel in Rapid City, SD.

The applicant is seeking a key license to purchase a gaming property.

Concerns: None.

Recommendation: It is recommended that the applicant be approved for a key gaming license.

**SOUTH DAKOTA COMMISSION ON GAMING**

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DATE: 08/30/2025
TO: South Dakota Commission on Gaming
FROM: Burtis Investigations
SUBJECT: Dhaval Jayprakash Patel
LIC. #: 14695-25-KY

The applicant is the President of Anand Hospitality LLC, out of Aurora, CO. He is a senior software developer at Visa USA and is also an owner/investor of Sahaj Hospitality LLC, Kana Hospitality LLC, and Shreeji Hospitality LLC. The applicant has other hotel/motel investments.

The applicant is seeking a key license to purchase a gaming property.

Concerns: None.

Recommendation: It is recommended that the applicant be approved for a key gaming license.

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DATE: 08/30/2025
TO: South Dakota Commission on Gaming
FROM: Burtis Investigations
SUBJECT: Jaysukh Dobariya
LIC. #: 14697-25-KY

The applicant is the Director of Anand Hospitality LLC, out of Aurora, CO. He is a software developer for the University of Chicago. He is also an owner/investor of Sahaj Hospitality LLC, Kana Hospitality LLC, and Shreeji Hospitality LLC.

The applicant is seeking a key license to purchase a gaming property.

Concerns: None.

Recommendation: It is recommended that the applicant be approved for a key gaming license.

**SOUTH DAKOTA COMMISSION ON GAMING**

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(605) 578-3074 • dor.sd.gov/gaming**MEMORANDUM**

DATE: 08/30/2025
TO: South Dakota Commission on Gaming
FROM: Burtis Investigations
SUBJECT: Anand Hospitality LLC
LIC. #: 14696-RT, 14698-RT, 14699-RT

Anand Hospitality LLC is owned by Jaysukh Dobariya, Dhaval Patel, and Chirag Jani. The applicants stated that no other person or entity is acting as a silent partner nor will anyone else have any influence in the business decisions.

The applicant is seeking a licensure to purchase a gaming property.

Concerns: None.

Recommendation: It is recommended that the applicant be approved for retail licenses.