



ILLINOIS GAMING BOARD

News Advisory

For Immediate Release
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The administrative hearing concerning the Board's Disciplinary Complaint seeking to revoke Emerald's license is scheduled to start on Monday, May 20th, at 9:30 a.m. Because of the number of attorneys involved for the parties, the extent of the exhibits, and the anticipated public interest, the hearing will not be held in the Board's 3rd floor conference room where hearings are usually held. Instead, the administrative hearing will be held in the Illinois Supreme Court's Chicago courtroom, located on the 18th floor of this building. We are grateful to the Administrative Office of the Supreme Court for facilitating this arrangement, without an additional expense in cost or time to the State or the litigants.

The hearing is scheduled to proceed Mondays through Thursdays, for approximately six weeks. Each trial day will start at approximately 9:30 a.m. and end at approximately 2:30 p.m., with a short recess for lunch. No hearings are anticipated on Fridays, although the Administrative Law Judge may alter this schedule.

The hearing itself should proceed as a bench trial, as no jury is involved. An administrative law judge will hear the evidence and control the activities of the courtroom, just like a circuit court judge would hear the evidence and keep control of a hearing. The administrative law judge was randomly selected from a pool of attorneys retained by the Board to conduct administrative hearings. The pool was established pursuant to a publicly bid request for proposals. Although the Board compensates the attorneys serving as Administrative Law Judges for their time, the work of such attorneys is independent of the Board and not subject to any review by the Board except as allowed in the administrative hearing process itself.

The burden of proof in this hearing rests with Emerald, who is required to rebut the charges contained in the disciplinary complaint by clear and convincing evidence. The anticipated sequence of events, is as follows:

The Board will start by presenting its opening statement, followed by Emerald's opening statement. An opening statement generally apprises the other party and the trier of fact of what the evidence to be presented would show.

After the opening statements, the Board will present its case. It will call witnesses and elicit testimony. The witnesses may be the Board's own employees as well as Emerald's witnesses and other third parties and experts. Emerald will have an opportunity to cross-examine adverse witnesses called by the Board.

At the conclusion of the Board's case, Emerald will have the opportunity to seek a directed finding. If the Administrative Law Judge grants the directed finding, the hearing ends

without the need for Emerald to present its case and the record is submitted to the Board for its decision. If the Administrative Law Judge does not grant the directed finding, then Emerald will have the opportunity to present its case, call its witnesses and the Board will have the opportunity to cross-examine adverse witnesses called by Emerald.

At the conclusion of Emerald's presentation, the Board may present evidence in rebuttal of Emerald's case. Emerald may then present additional, non-cumulative evidence in surrebuttal of the Board's case. Emerald will then have the opportunity to present closing arguments first, followed by the Board. Emerald will have an opportunity to present a rebuttal argument to the Board's argument so that Emerald speaks last, due to the fact that Emerald bears the burden of proof.

At the conclusion of the hearing, the administrative law judge will issue to the Board written findings of fact and conclusions of law as well as his recommendation as to the disciplinary action. That recommendation, along with an evidentiary record, will be transmitted to the Board for its consideration.

The Board reviews the entire record and issues its written order, which becomes the Final Administrative Decision of the Board. The Decision will be voted upon in a public meeting, with appropriate notice to the parties and the public.

Unlike other administrative proceedings, the appeal of the Board's decision is taken directly to the 4th District Appellate Court. Only Emerald will have the opportunity to appeal. The administrative hearing serves as the trial court for revocations of an owner's license.

As with any hearing before a judge, the parties, their lawyers, all witnesses, and the public are expected to adhere to trial courtroom standards of behavior. No cameras or electronic recording devices will be allowed in the courtroom, but journalists and sketch artists are welcome to observe the proceedings. As with any courtroom, any member of the public is free to attend. We would request that persons who attend adhere to the conduct required in any courtroom and turn off pagers, cell phones, and electronic media. The Administrative Office of the Supreme Court will provide security during this proceeding, and will, of course, enforce any infractions of its rules.

Please note that the Board also issued to Emerald a Notice of Denial of Renewal of an Owner's License. The hearing on the denial is not yet scheduled.

Please contact the Board's Public Information Officer or review the Board's web site for any significant changes to the hearing schedule.
