

**STATE OF ILLINOIS
ILLINOIS GAMING BOARD**

IN RE THE DISCIPLINARY ACTION OF:

**McGee's Bar and Grill Incorporated
d/b/a McGee's Bar & Grill**

**Licensed Establishment
License No. 120709145**

DC-V-21-38

COMPLAINT FOR PROPOSED DISCIPLINARY ACTION

The Illinois Gaming Board, for its Complaint against McGee's Bar and Grill Incorporated d/b/a McGee's Bar & Grill, states as follows:

NATURE OF ACTION

1. The Illinois Gaming Board (the "Board" or "IGB") brings this action against licensed establishment McGee's Bar & Grill ("McGee") for falsely stating that Robert McGee is its 100% owner.
2. McGee's conduct violates provisions of the Video Gaming Act (the "VGA") and the Board's Adopted Rules for Video Gaming (the "Rules") prohibiting Board licensees from engaging in any conduct that would discredit, or tend to discredit, or reflect adversely on the integrity of the Illinois gaming industry, including but not limited to making a false statement on a document required by the Board.
3. The Board brings this action pursuant to Sections 55, 78(a)(2), 78(a)(3) and 80 of the VGA; Sections 5(b)(2), 5(b)(13), 5(c)(5), and 17 of the Illinois Gambling Act; and Sections 1800.210, 1800.270, 1800.310, 1800.420, and 1800.430 of the Rules. 230 ILCS 40/55; 230 ILCS 40/78; 230 ILCS 40/80; 230 ILCS 10/5; 230 ILCS 10/17; 11 Ill. Adm. Code 1800.210; 11 Ill. Adm. Code 1800.270; 11 Ill. Adm. Code 1800.310; 11 Ill. Adm. Code 1800.420; 11 Ill. Adm. Code 1800.430.

4. Through this action, the Board seeks to revoke McGee's establishment license.
5. Additionally, per Section 17 of the Illinois Gambling Act, McGee's video gaming license is summarily suspended pending a final Board order.

PARTIES AND RELEVANT ENTITIES

6. The Board is the Illinois regulatory agency charged with the responsibility of administering, regulating and enforcing the system of video gaming in Illinois. The Board's jurisdiction extends to every person, association, corporation, partnership, and trust involved in Illinois video gaming operations.
7. Respondent McGee is a licensed establishment (License No. 120709145) and was first licensed by the Board on March 23, 2013. As a licensee, McGee, its employees, and its agents are required to comply with the VGA and the Rules at all times.

RELEVANT FACTUAL BACKGROUND

8. McGee operates in Madison, Illinois.
9. On August 21, 2020, McGee updated its application to disclose Robert McGee ("Robert") as the 100% owner of McGee.
10. Prior to August 21, 2020, Kevin McGee, Robert's brother, owned McGee.
11. Robert acquired McGee through the estate of Kevin McGee, who died on November 23, 2019.
12. On March 9, 2021, the Madison, Illinois Police Department responded to a disturbance at McGee between Robert and Jason Tucker ("Tucker").
13. Robert and Tucker's argument stemmed from a written agreement that Tucker owned 40% of McGee in exchange for a \$20,000 contribution.
14. Tucker has a 1998 felony conviction for burglary and is currently charged with a felony.

15. On March 10, 2021, the town of Madison and its local Liquor Commissioner suspended McGee's local liquor license pending a hearing on McGee's failure to disclose Tucker as an owner on its local liquor license application.
16. On April 8, 2021, Madison's local Liquor Commissioner presided over the liquor license hearing.
17. On April 12, 2021, Madison's local Liquor Commissioner issued an order suspending McGee's local liquor license after finding that McGee violated local ordinance through "a willful making of a false statement as to a material fact in the application for the liquor license."
18. The April 12, 2021 order further found that Robert and Tucker engaged in a "general partnership" at the time McGee applied for its local liquor license.
19. Despite the existence of the general partnership between Tucker and Robert, only Robert applied for and signed McGee's liquor license application.
20. Finally, the Madison Liquor Commissioner found that Tucker admitted that McGee "willfully withheld" Tucker's ownership because of Tucker's felony, which may have precluded McGee's eligibility for the liquor license.

COUNT I
Intentionally Making a False Statement
In Violation 11 Ill. Adm. Code 1800.310(a)(9)

21. The Board re-alleges and incorporates Paragraphs 1 through 20 above as if fully alleged herein.
22. Rule 310(a)(9) subjects a licensee to discipline for intentionally making or causing to be made any false statement in any document required by the Board.
23. Rule 220 requires all licensees to submit an updated application to disclose any changes of ownership.

24. McGee disclosed Robert as its 100% owner on the August 21, 2020 updated application despite knowing that Robert only owned 60% of McGee and Tucker owned the remaining 40%.

25. By disclosing Robert as the 100% owner and knowingly omitting Tucker, McGee intentionally made a false statement on the application, which is required to be submitted per the Rules.

26. By engaging in the conduct described above, McGee is subject to discipline pursuant to 11 Ill. Adm. Code 1800.310(a)(9).

COUNT II
Concealing a Material Fact in the Operation of a Video Gaming
Operation in Violation of 11. Ill. Adm. Code 310(a)(21)

27. The Board re-alleges and incorporates Paragraphs 1 through 20 above as if fully alleged herein.

28. Board Rule 310(a)(21) subjects a licensee to discipline for any “deception . . . misrepresentation, or the concealment, suppression, or omission of any material fact in the conduct of any gaming operation.”

29. The identity of the owner(s) of a video gaming licensee is a material fact.

30. By failing to disclose Tucker as a 40% owner and instead reported Robert as its 100% owner, McGee engaged in deception.

31. By failing to disclose Tucker as a 40% owner and reporting Robert as its 100% owner, McGee misrepresented its ownership.

32. By failing to disclose Tucker as a 40% owner and reporting Robert as its 100% owner, McGee concealed, suppressed, and/or omitted Tucker’s ownership.

33. By engaging in the conduct described above, McGee is subject to discipline pursuant to 11 Ill. Adm. Code 1800.310(a)(21).

COUNT III
Misrepresenting Information
In Violation of 11. Ill. Adm. Code 310(a)(8)

34. The Board re-alleges and incorporates Paragraphs 1 through 20 above as if fully alleged herein.

35. Rule 310(a)(8) subjects a licensee to discipline for misrepresenting any information to the Board.

36. By reporting Robert as the 100% owner and not identifying Tucker as its 40% owner, McGee misrepresented information to the Board.

37. By engaging in the conduct described above, McGee is subject to discipline pursuant to 11 Ill. Adm. Code 1800.310(a)(8).

COUNT IV
Disqualification from Licensure
In Violation of 11. Ill. Adm. Code 310(a)(23)

38. The Board re-alleges and incorporates Paragraphs 1 through 20 above as if fully alleged herein.

39. Rule 310(a)(23) subjects a licensee to discipline for any cause that would have disqualified the licensee from licensure if that cause was known to the Board.

40. Rule 420 disqualifies any entity from licensure if any of its owners are not licensable under Section 9 of the Illinois Gambling Act.

41. Section 9 of the Illinois Gambling Act disqualifies individuals who have been convicted of a felony from holding a license.

42. Because Tucker, who has a felony conviction, owns 40% of McGee, McGee is not licensable under Rule 420.

43. Had the Board known that Tucker owns 40% of McGee, McGee would have been disqualified for licensure.

44. By engaging in the conduct described above, McGee is subject to discipline pursuant to 11 Ill. Adm. Code 1800.310(a)(23).

COUNT V
Failing to Comply with Local Law or Regulation
In Violation of 11. Ill. Adm. Code 210(a)(1)

45. The Board re-alleges and incorporates Paragraphs 1 through 20 above as if fully alleged herein.

46. Rule 210 obligates all licensees to comply with all local laws and regulations.

47. Rule 310(a)(1) subjects a licensee to discipline for failing to comply with any Board rule.

48. The April 12, 2021 order issued by the local liquor commissioner found that McGee engaged in local rule violations for willfully submitting false information on its application.

49. By violating local rules, McGee also violated Rule 210.

50. By engaging in the conduct described above, McGee is subject to discipline pursuant to 11 Ill. Adm. Code 1800.310(a)(1).

WHEREFORE, based on the foregoing, McGee's licensed establishment license should be revoked. Per Section 17 of the Illinois Gambling Act, McGee's license is summarily suspended pending a final Board order.

Respectfully submitted,

Dated: September 13, 2021



Daniel Gerber
Deputy General Counsel
Illinois Gaming Board

***ISSUED UNDER THE AUTHORITY OF THE ADMINISTRATOR OF
THE ILLINOIS GAMING BOARD***

NOTIFICATION OF PROPOSED DISCIPLINARY ACTION

Pursuant to Rule 715 [11 Ill. Adm. Code 1800.715] the Administrator finds facts sufficient to authorize the issuance of a Disciplinary Complaint against McGee's Bar and Grill Incorporated d/b/a McGee's Bar & Grill seeking revocation of its license. Pursuant to Section 17 of the Illinois Gambling Act, McGee's Pub & Grill's license is SUMMARILY SUSPENDED until there is a final order addressing this discipline.

If you choose to file an Answer, it will not be accepted unless it complies with every requirement listed in Section 720 of the Rules [11 Ill. Adm. Code 1800.720]. If you file an Answer that complies with all requirements under Rule 720, a hearing officer will be appointed to conduct a hearing. Failure to file an Answer within 21 days of receiving this Complaint will result in the proposed disciplinary action becoming effective and final. The Answer shall be mailed to:

Illinois Gaming Board
Attn: Legal Department
160 N. LaSalle St., Suite 300
Chicago, IL 60601

OR IGB.Legal@IGB.Illinois.Gov

Date: September 13, 2021



Daniel Gerber
Deputy General Counsel
Illinois Gaming Board