

**STATE OF ILLINOIS  
ILLINOIS GAMING BOARD**

ACCEL ENTERTAINMENT GAMING, LLC, )

Petitioner, )

v. )

**No. 18-UP-005**

WILLIAM STANFORD, III, d/b/a STANFORD )  
GAMING, LLC, )

Respondent. )

**RE: Malnar’s Tap & Restaurant, Inc. d/b/a Malnar’s Tap & Restaurant, Inc. (License No. 120704328)**

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**FINAL BOARD ORDER**

This matter comes before the Illinois Gaming Board (the “Board” or “IGB”) pursuant to the Video Gaming Act (the “VGA”), 210 ILCS 40, and Section 1800.320(b) of the Board’s Adopted Rules for Video Gaming (the “Rules”). 11 Ill. Adm. Code 1800.320(b).

**FINDINGS OF FACT**

The Board has before it the entire record of *Accel Entertainment Gaming, LLC, Petitioner* (“Accel”) v. *William Stanford III d/b/a Stanford Gaming, LLC, Respondent* (“Stanford Gaming”) *Re: Malnar’s Tap & Restaurant, Inc. d/b/a Malnar’s Tap & Restaurant, Inc.* (“Malnar’s”) (License No. 120704328), including the Petition, all responses and other pleadings and documents received, and the Administrator’s Recommended Decision.

On February 8, 2018, Accel filed the above-captioned Rule 320 Petition against Stanford Gaming to contest the validity and enforceability of an agreement that purports to control the placement and operation of video gaming terminals (“VGTs”) at Malnar’s. Stanford Gaming filed its Response on March 3, 2018. On February 1, 2020, Malnar’s ceased operating as the result of a fire. On December 8, 2021, Malnar’s allowed its location license to expire. Because Malnar’s no longer possessed an establishment license, Board Administrator Marcus D. Fruchter issued an Administrator’s Recommended Decision on February 9, 2022 recommending dismissal of Accel’s Petition. No exceptions were filed.

**CONCLUSIONS OF LAW**

Pursuant to the VGA, the Rules, and *J&J Gaming Ventures, LLC v. Wild, Inc.*, 2016 IL 119870, the Board has exclusive and original jurisdiction over agreements that purport to control the placement and operation of video gaming terminals. In *Wild*, the Illinois Supreme Court affirmed the long-established rule that there is no common law right to profit from gambling. *Wild* at ¶ 32. The Court further held that the VGA’s legalization of video gaming is an exception to the general prohibition on gambling, that video gaming is allowed only as authorized by the VGA and the Rules, and that by “legalizing the use of video gaming terminals for commercial gambling purposes, the legislature enacted a comprehensive statutory scheme, creating rights and duties that have no counterpart in common law or equity.” *Id.*

The Board may take judicial notice of public documents it maintains. *May Department Stores Co. v. Teamsters Union Local No. 743*, 64 Ill.2d 153, 159 (1976); *First State Bank v. Leffleman*, 167 Ill. App. 3d 362, 367 (2nd. Dist. 1988). In considering this Petition, the Board recognizes that Malnar’s no longer has a Video Gaming license. This determination is sufficient for the Board to conclude this matter under Rule 320. *See Doxsie v. Ill. Gaming Bd.*, 2021 IL App (1st) 191875, at ¶ 17 (affirming the Board’s authority to interpret and administer the Rules).

Therefore, after careful review and consideration of the entire record, the Board hereby:

- (1) Adopts the Administrator’s Recommended Decision to the extent it recommends concluding the Petition;
- (2) Dismisses Accel’s Petition;
- (3) Makes no findings of fact or conclusions of law on the merits of Accel’s Petition; and
- (4) Closes this Petition.

This is a Final Order subject to judicial review under the Administrative Review Law pursuant to 230 ILCS 10/17.1. The Rules of the Illinois Gaming Board do not permit motions or requests for reconsideration of this Order.

**VOTED THIS THE TWENTY-EIGHTH DAY OF APRIL 2022**

[Redacted Signature]

Charles Schmadeke, Chairman

[Redacted Signature]

Dionne R. Hayden

[Redacted Signature]

Anthony Garcia

Marc E. Bell

**STATE OF ILLINOIS  
ILLINOIS GAMING BOARD**

<b>ACCEL ENTERTAINMENT GAMING, LLC,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
v.	)	<b>No. 18-UP-005</b>
	)	
<b>WILLIAM STANFORD, III, d/b/a STANFORD</b>	)	
<b>GAMING, LLC,</b>	)	
	)	
<b>Respondent.</b>	)	
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**RE: Malnar’s Tap & Restaurant, Inc. d/b/a Malnar’s Tap & Restaurant, Inc. (License No. 120704328)**

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**ADMINISTRATOR’S RECOMMENDED DECISION**

This dispute comes before the Illinois Gaming Board (the “Board” or “IGB”) under Section 1800.320(b) of the Board’s Adopted Rules (the “Rules”). 11 Ill. Adm. Code 1800.320(b). This Recommendation issues under Rule 320(b)(6). 11 Ill. Adm. Code 1800.320(b)(6).

Petitioner Accel Entertainment Gaming, LLC’s (“Accel”) asks the Board to: (1) find the agreement for the placement and location of video gaming terminals (“VGTs”) that it entered with Location, Malnar’s Tap & Restaurant, Inc. d/b/a Malnar’s Tap & Restaurant, Inc. (“Malnar’s”) to be a valid and enforceable use agreement (“UA”) against Respondent William Stanford, III d/b/a Stanford Gaming (“Stanford”), as a result of that location having properly terminated an earlier UA with Hyperactive Gaming, LLC (“Hyperactive”); and (2) require Stanford to remove its VGTs from Malnar’s.

On February 1, 2020, Malnar's suffered a fire that caused it to close and cease all operations. Malnar's has since not re-opened. On December 8, 2021, Malnar's allowed its location license to expire. Because Malnar's no longer possess a valid Video Gaming Establishment license Accel's petition is moot. Accordingly, the Board should dismiss Accel's petition.

For the foregoing reasons, I recommend that the Board enter an Order:

1. Adopting this Recommended Decision;
2. Dismissing Accel's Petition; and
3. Directing that all further proceedings shall be cancelled, and the matter concluded.

**Pursuant to Rule 320(b)(7), any party to this Petition wishing to file exceptions must do so no later than 14 days after receipt of the Recommend Decision.**

**DATED: February 9, 2022**

**RESPECTFULLY SUBMITTED,**

  
**MARCUS D. FRUCHTER**  
**ILLINOIS GAMING BOARD MINISTRATOR**