

**STATE OF ILLINOIS  
ILLINOIS GAMING BOARD**

<b>ILLINOIS GAMING INVESTORS, LLC</b>	)	
<b>d/b/a PRAIRIE STATE GAMING, LLC,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>No. 18-UP-010</b>
	)	
<b>LUCKY LINCOLN GAMING, LLC,</b>	)	
	)	
<b>Respondent.</b>	)	
	)	

**RE: Hibachi Grill and Supreme Buffet, Inc. d/b/a Hibachi Grill and Supreme Buffet  
(License No. 120703795)**

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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 *Illinois Gaming Investors, LLC d/b/a Prairie State Gaming, Petitioner* (“Prairie State”) v. *Lucky Lincoln Gaming, LLC, Respondent* (“Lucky Lincoln”) *Re: Hibachi Grill and Supreme Buffet, Inc. d/b/a Hibachi Grill and Supreme Buffet* (“Hibachi”) (License No. 120703795), including the filed Petition, all Responses and other pleadings and documents received, and the Administrator’s Recommended Decision.

On March 14, 2018, Prairie State filed the above-captioned Rule 320 Petition against Lucky Lincoln to contest the validity and enforceability of an agreement that purports to control the placement and operation of video gaming terminals (“VGTs”) at Hibachi. On April 14, 2018, Lucky Lincoln filed its Response to the Petition. On January 3, 2019, the Board granted Hibachi’s request to surrender its Video Gaming establishment license. Subsequently, Prairie State removed its VGTs from the location. Lucky Lincoln never installed its machines in Hibachi. Because Hibachi no longer possessed an establishment license, Board Administrator Marcus D. Fruchter issued an Administrator’s Recommended Decision on January 14, 2022 recommending dismissal of Prairie State’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.” *Wild* at ¶ 32.

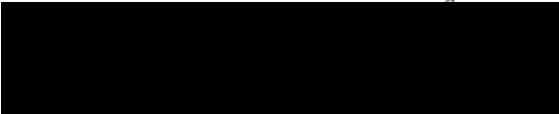
The Board may take notice of public documents it maintains. *May Department Stores Co. v. Teamsters Union Local No. 743*, 64 Ill.2d 153, 159 (1976); *First State Bank v. Leffleman*, 167 Ill. App. 3d 362, 367 (2nd. Dist. 1988). In considering this Petition, the Board recognizes that Hibachi no longer 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:

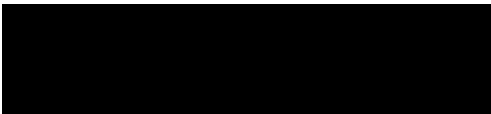
- (1) Adopts the Administrator’s Recommended Decision to the extent it recommends granting the withdrawal and concluding the Petition;
- (2) Dismisses Prairie State’s Petition;
- (3) Makes no findings of fact or conclusions of law on the merits of Prairie State’s Petition; and
- (4) Closes this Petition.

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**



Charles Schmadeke, Chairman



Dionne R. Hayden



Anthony Garcia

Marc E. Bell

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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).

On March 14, 2018, Petitioner Illinois Gaming Investors, LLC d/b/a Prairie State Gaming, LLC (“Prairie State) filed its petition asking the Board to: (1) find that Prairie State’s December 1, 2012 Use Agreement (“UA”) with Hibachi Grill and Supreme Buffet, Inc. d/b/a Hibachi Grill and Supreme Buffet (“Hibachi Grill”) remained valid for the placement and operation of video gaming terminals (“VGTs”); (2) find that Lucky Lincoln Gaming, LLC’s (“Lucky Lincoln”) UA with Hibachi Grill was invalid and unenforceable; and (3) find that Lucky Lincoln procured its UA with Hibachi Grill through improper inducements. On January 3, 2019, the Board granted Hibachi Grill’s request to surrender its Video Gaming establishment license. Subsequently, Prairie State removed its VGTs from Hibachi Grill. Lucky Lincoln never installed its VGTs at Hibachi Grill.

Because Hibachi Grill no longer possess a Video Gaming establishment license Prairie State's petition is moot. Accordingly, the Board should dismiss Prairie State's petition.

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

1. Adopting this Recommend Decision;
2. Dismissing Prairie State'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 Recommended Decision.**

**DATED: January 14, 2022**

**RESPECTFULLY SUBMITTED,**

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