

**STATE OF ILLINOIS
ILLINOIS GAMING BOARD**

ANGELLE & GREEN GAMING, LLC,)	
)	
Petitioner—Cross Respondent,)	
)	
v.)	Nos. 18-UP-020; 18-UP-20A
)	
J&J VENTURES GAMING, LLC,)	
)	
Respondent—Cross Petitioner.)	

RE: G&C Liquors, LLC d/b/a Blue Fish Liquors (License No. 160704147)

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 *Angelle & Green Gaming, LLC, Petitioner-Cross Respondent (“A&G”) v. J&J Ventures Gaming, LLC, Respondent-Cross Petitioner (“J&J”) Re: G&C Liquors, LLC d/b/a Blue Fish Liquors (“G&C”)* (License No. 160704147), including the filed Petitions, Responses and all other pleadings and documents received, and the Administrator’s Recommended Decision.

On May 31, 2018, A&G filed the above-captioned Rule 320 Petition against J&J to contest the validity and enforceability of an agreement that purports to control the placement and operation of video gaming terminals (“VGTs”) at G&C. On July 6, 2018, J&J filed its Cross Petition. On July 17, 2019, the IGB granted G&C’s request to surrender its Video Gaming establishment license. Subsequently, A&G removed its VGTs from the establishment. J&J never installed its machines inside G&C. Because G&C no longer possessed an establishment license, Board Administrator Marcus D. Fruchter issued an Administrator’s Recommended Decision on January 14, 2022 recommending dismissal of these matters. 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.

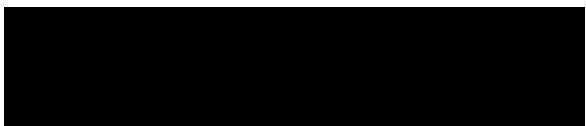
The Board may take judicial notice of public documents it maintains. *May Department Stores Co. v. Teamsters Union Local No. 743*, 64 Ill.2d 153, 159 (1976); *First State Bank v. Leffleman*, 167 Ill. App. 3d 362, 367 (2nd. Dist. 1988). In considering this Petition, the Board recognizes that G&C no longer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

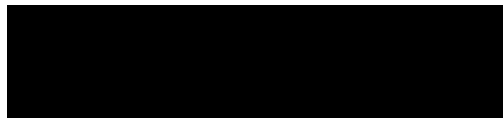
- (1) Adopts the Administrator’s Recommended Decision to the extent it recommends concluding the Petition;
- (2) Dismisses both Angelle & Green and J&J’s Petitions;
- (3) Makes no findings of fact or conclusions of law on the merits of either party’s Petition; and
- (4) Closes these Petitions.

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.

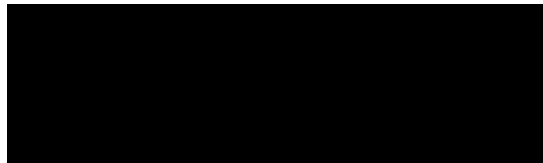
VOTED THIS THE TWENTY EIGHTH DAY OF APRIL 2022



Charles Schmadeke, Chairman



Dionne R. Hayden



Anthony Garcia

Marc E. Bell

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 Respondent—Cross Petitioner)

RE: G&C Liquors, LLC d/b/a Blue Fish Liquors (License No. 160704147)

ADMINISTRATOR 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 May 31, 2018, Angelle & Green Gaming, LLC (“A&G”) petitioned the Board for an order declaring that: (1) A&G’s November 1, 2016 Use Agreement (“UA”) with location G&C Liquors, LLC d/b/a Blue Fish Liquors (“G&C”) to operate video gaming terminals (“VGTs”) is valid and enforceable; (2) J&J Ventures Gaming, LLC’s (“J&J”) May 17, 2018 UA with the same location is invalid; and (3) J&J cease contacting G&C.

On July 6, 2018, J&J filed a cross petition, asking the Board to find that: (1) J&J’s UA is valid and enforceable for the placement and operation of VGTs at G&C; and (2) A&G’s UA and its automatic renewal provision are invalid and unenforceable for the placement and operation of VGTs at G&C because they do not comply with the requirements of the VGA and the Board’s Rules. On July 17, 2019, the IGB granted G&C’s request to surrender its Video Gaming establishment license.

Subsequently, A&G removed its VGTs from G&C' establishment. J&J never installed its machines inside G&C.

Because G&C no longer possesses a Video Gaming establishment license, the parties' cross petitions are moot. Accordingly, the Board should dismiss both the A&G and J&J petitions.

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

1. Adopting this Combined Recommended Decision;
2. Dismissing the Angelle and Green and J&J Ventures Petitions in the above-captioned matters; 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,



MARCUS D. FRUCHTER
ILLINOIS GAMING BOARD ADMINISTRATOR