

**STATE OF ILLINOIS  
ILLINOIS GAMING BOARD**

<b>J&amp;J VENTURES GAMING, LLC,</b>	)	
	)	
<b>Petitioner,</b>	)	<b>No. 19-UP-004</b>
<b>v.</b>	)	
	)	
<b>MIDWEST ELECTRONICS GAMING, LLC,</b>	)	
	)	
<b>Respondent.</b>	)	
	)	

**RE: Sully’s Friendly Tap, Inc. d/b/a The Friendly Tavern (License No. 120707934)**

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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 *J&J Ventures Gaming, LLC*, (“J&J”) *v. Midwest Electronics Gaming, LLC, Respondent*, (“Midwest”) *Re: Sully’s Friendly Tap, Inc. d/b/a The Friendly Tavern* (License No. 120707934), including the Petition filed, all other pleadings received, and the Administrator’s Recommended Decision.

On January 11, 2019, J&J filed a Petition regarding the Friendly Tavern licensed video gaming location. J&J’s Petition asked the Board to issue an order: (i) declaring that Midwest’s use agreement (“UA”) with that location is void and unenforceable, or alternatively that Friendly Tavern had validly terminated its UA with Midwest; (ii) requiring Midwest remove all its video gaming terminals (“VGTs”) from Friendly Tavern and coordinate its transition to J&J’s as quickly as possible; (iii) require Midwest to award lost revenue to Friendly Tavern and J&J; and (iv) declaring all defective UAs maintained by Midwest are immediately void and unenforceable, or, alternatively, that their automatic renewal provisions are and renewal can only be effected by execution of a new UA which complies with the Rules. On February 8, 2019, J&J requested to withdraw its Petition. On December 13, 2021, Board Administrator Marcus D. Fruchter issued an Administrator’s Recommended Decision that the Board grant J&J’s request to withdraw the above-captioned Petition. No exceptions were filed.

**CONCLUSIONS OF LAW**

Pursuant to the VGA, 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 or 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.*

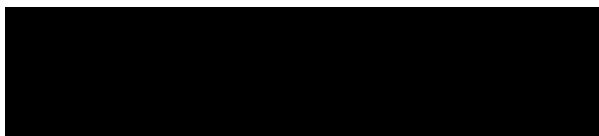
J&J’s request to withdraw its Petition is sufficient to conclude this matter. In *Doxsie v. Ill. Gaming Bd.*, 2021 IL App (1st) 191875, the Appellate Court affirmed the Board’s authority to interpret and administer the Rules. *Doxsie* at ¶ 17. In this matter, J&J seeks to withdraw its request. The Rules do not specifically contemplate a Petitioner’s ability to withdraw its Petition. In keeping with our authority to interpret and administer the Rules, we find that a Petitioner’s withdrawal of its Rule 320 Petition is implied and fundamentally fair. Moreover, it is not a proper use of the limited time and resources of all involved to require a petitioner to continue to prosecute a petition it no longer wishes to advance.

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

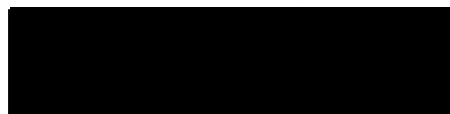
- (1) Adopts the Administrator’s Recommended Decision;
- (2) Grants J&J’s February 8, 2019, request to withdraw its above-captioned Petition regarding Friendly Tavern;
- (3) Makes no findings of facts or conclusions of law on the merits of J&J’s Petition; and
- (4) Closes the Petition regarding Friendly Tavern.

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-SEVENTH DAY OF JANUARY 2022**



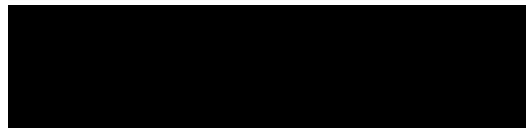
Charles Schmadeke, Chairman



Dionne R. Hayden



Anthony Garcia



Marc E. Bell

**STATE OF ILLINOIS  
ILLINOIS GAMING BOARD**

<b>J&amp;J VENTURES GAMING, LLC,</b>	)	<b>No. 19-UP-004</b>
	)	
<b>Petitioner,</b>	)	
	)	
<b>MIDWEST ELECTRONICS GAMING, LLC,</b>	)	
	)	
<b>Respondent.</b>	)	
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<b>RE: Sully’s Friendly Tap, Inc. d/b/a</b>	)	
<b>The Friendly Tavern (License no. 120707934)</b>	)	

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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 January 11, 2019, J&J Ventures Gaming, LLC (“J&J”) brought the above-captioned Rule 320 Petition against Respondent Midwest Electronics Gaming, LLC (“Midwest”) to contest the validity and enforceability of an agreement that purports to control the placement and operation of video gaming terminals (“VGTs”) at Sully’s Friendly Tap, Inc. d/b/a The Friendly Tavern (“Friendly”). On February 8, 2019, J&J contacted the Board stating it wished to withdraw the Petition. J&J also notified Midwest. Midwest advised the Board on February 14, 2019 that it too considered the matter resolved. Accepting the parties’ representations, there is no justiciable controversy under Rule 320 for the Board to resolve.

As such, the Board should permit J&J to withdraw its Petition, thereby closing this matter and allowing the existing UA between Midwest and Friendly to continue in operation according to its terms. For the foregoing reasons, I recommend that the Board enter an Order:

1. Granting J&J’s request to withdraw its Petition in the above-captioned matter; and

2. 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: DECEMBER 13, 2021**

**RESPECTFULLY SUBMITTED,**



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

## **SERVICE LIST**

Pursuant to Board Rules 1800.320(b)(2)(A), 1800.320(b)(12), and 1800.140, this Final Order is being served via e-mail upon all parties of record to

J&J Ventures Gaming, LLC  
c/o Compliance Officer  
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Timothy S. Jones  
Midwest Electronics Gaming  
[Tim@Midwest.bz](mailto:Tim@Midwest.bz)  
601 N. Main Street  
Ellsworth, IL 61737

The Friendly Tavern  
c/o David E. Connolly, Jr  
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216 East South Street  
Danville, IL 61832

Office of General Counsel  
[IGB.320@igb.illinois.gov](mailto:IGB.320@igb.illinois.gov)  
Illinois Gaming Board  
160 North LaSalle Street, Suite 300  
Chicago, IL 60601

**CERTIFICATE OF SERVICE**

I, James Jozefowicz, certify that I served a copy of the attached Final Order by email on February 4, 2022, to all parties of record in the following matter: *J&J Ventures Gaming, LLC, Petitioner v. Midwest Electronics Gaming, LLC, Respondent*, Re: *Sully's Friendly Tap d/b/a The Friendly Tavern* (License no. 120707394) 19-UP-004—at the following addresses:

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