

**STATE OF ILLINOIS
ILLINOIS GAMING BOARD**

ACCEL ENTERTAINMENT GAMING, LLC,)		
)		
Petitioner,)	No. 19-UP-014	
v.)		
)		
RENVILLE GAMING, LLC,)		
)		
Respondent.)		

RE: Goose Lake Association d/b/a Goose Lake (License no. 120706553)

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. *Renville Gaming, LLC, Respondent*, (“Renville”) *Re: Goose Lake Association d/b/a Goose Lake* (License No. 120706553), including the Petition filed, all other pleadings received, and the Administrator’s Recommended Decision.

On February 5, 2019, Accel filed a Petition regarding the Goose Lake licensed video gaming location. Accel’s Petition asked the Board to issue an order: (i) declaring Accel’s use agreement (“UA”) with that location is valid for the placement and operation of video gaming terminals (“VGTs”); (ii) invalidating the existing Renville/Goose Lake UA; (iii) confirming the end date of the Renville/Goose Lake UA; and (iv) compelling Renville to remove its VGTs from Goose Lake. On April 2, 2021, Accel requested to withdraw its Petition. On December 13, 2021, Board Administrator Marcus D. Fruchter issued an Administrator’s Recommended Decision that the Board grant Accel’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.*

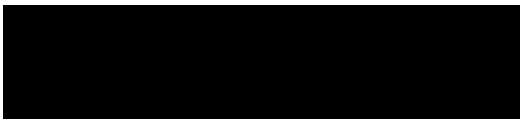
Accel’s request to withdraw its Petition is sufficient to conclude this matter. In *Doxsie v. Ill. Gaming Bd.*, 2021 IL App (1st) 191875, the Appellate Court affirmed the Board’s authority to interpret and administer the Rules. *Doxsie* at ¶ 17. In this matter, Accel seeks to withdraw its request. The 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 Accel’s April 2, 2019, request to withdraw its above-captioned Petition regarding Goose Lake;
- (3) Makes no findings of facts or conclusions of law on the merits of Accel’s Petition; and
- (4) Closes the Petition regarding Goose Lake.

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.

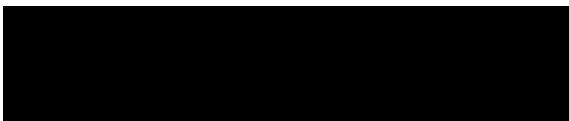
VOTED THIS THE TWENTY-SEVENTH DAY OF JANUARY 2022



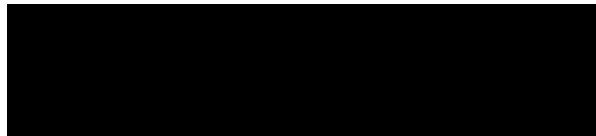
Charles Schmadeke, Chairman



Dionne R. Hayden



Anthony Garcia



Marc E. Bell

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RE: Goose Lake Association d/b/a)	
Goose Lake (License no. 120706553))	

No. 19-UP-014

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 February 5, 2019, Accel Entertainment Gaming, LLC (“Accel”) brought the above-captioned Rule 320 Petition against Respondent Renville Gaming, LLC (“Renville”) to contest the validity and enforceability of an agreement that purports to control the placement and operation of video gaming terminals (“VGTs”) at Goose Lake Association d/b/a Goose Lake. Subsequently, on April 2, 2019, Accel notified the Board that it no longer wished to proceed with its petition and, accordingly, requested leave from the Board to withdraw it. Accel informed the Board it learned Goose Lake had signed an amendment extending the term of its original agreement with Renville. Accel determined that amendment predated its agreement with the location and thus negated the claims it was asserting in the Petition. Accepting Accel’s representation that it no longer wishes to proceed with its Petition, there is no justiciable controversy under Rule 320 for the Board to resolve.

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

1. Granting Accel'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,

A solid black rectangular box redacting the signature of Marcus D. Fruchter.

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

Accel Entertainment Gaming, LLC
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Donald Black
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Office of General Counsel
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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, 2022, to all parties of record in the following matter: *Accel Entertainment Gaming, LLC, Petitioner v. Renville Gaming, LLC, Respondent, Re: Goose Lake Association d/b/a Goose Lake* (License no. 120706533) 19-UP-014—at the following addresses:

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