

**STATE OF ILLINOIS
ILLINOIS GAMING BOARD**

ILLINOIS GAMING INVESTORS, LLC, d/b/a))	
PRAIRIE STATE GAMING,))	
)	
Petitioner,))	No. 19-UP-018
v.))	
)	
GRAND RIVER JACKPOT, LLC,))	
)	
Respondent.))	
)	

RE: Trailblazer Pub, Inc. d/b/a Trailblazer Pub (License No. 130705213)

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. *Grand River Jackpot, LLC, Respondent*, (“Grand River”) *Re: Trailblazer Pub, Inc. d/b/a Trailblazer Pub* (License No. 130705213), including the Petition filed, all other pleadings received, and the Administrator’s Recommended Decision.

On February 14, 2019, Prairie State filed a Petition regarding the Trailblazer Pub licensed video gaming location. Prairie State’s Petition asked the Board to issue an order declaring that its use agreement (“UA”) with that location is valid for the placement and operation of video gaming terminals (“VGTs”); and that an “Amendment to Agreement” procured by Grand River of a competing UA is invalid or of no force or effect because it (i) was executed by a person unauthorized to sign the document; and (ii) it was procured by deception, is vague, and otherwise unenforceable. On April 15, 2019, Prairie State notified the Board that it resolved the matter with Grand River and requested leave to withdraw its Petition. On December 13, 2021, Board Administrator Marcus D. Fruchter issued an Administrator’s Recommended Decision that the Board grant Prairie State’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.*

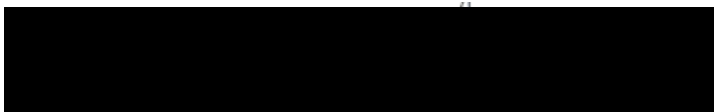
Prairie State’s request to withdraw its Petition is sufficient to conclude this matter. In *Doxsie v. Ill. Gaming Bd.*, 2021 IL App (1st) 191875, the Appellate Court affirmed the Board’s authority to interpret and administer the Rules. *Doxsie* at ¶ 17. In this matter, Prairie State seeks to withdraw 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 Prairie State’s April 15, 2019 request to withdraw its above-captioned Petition regarding Trailblazer Pub;
- (3) Makes no findings of facts or conclusions of law on the merits of Prairie State’s Petition; and
- (4) Closes the Petition regarding Trailblazer Pub.

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.

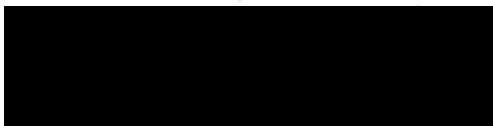
VOTED THIS THE TWENTY-SEVENTH DAY OF JANUARY 2022



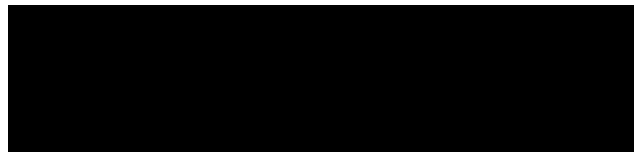
Charles Schmadeke, Chairman



Dionne R. Hayden



Anthony Garcia



Marc E. Bell

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PRAIRIE STATE GAMING,)	
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Petitioner,)	
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RE: Trailblazer Pub, Inc. d/b/a)	
Trailblazer Pub (License no. 130705213))	

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).

Illinois Gaming Investors, LLC d/b/a Prairie State Gaming (“Prairie State”) brought the above-captioned Rule 320 Petition against Respondent Grand River Jackpot, LLC (“Grand River”) on February 19, 2019 to contest the validity and enforceability of an agreement that purports to control the placement and operation of video gaming terminals (“VGTs”) at Trailblazer Pub, Inc. d/b/a Trailblazer Pub (“Trailblazer Pub”). Subsequently, on April 15, 2019, Prairie State requested leave to withdraw its Petition, notifying the Board it had resolved the dispute with Grand River. There is no justiciable controversy under Rule 320 for the Board to resolve.

As such, the Board should permit Prairie State to withdraw its Petition, thereby closing this matter and allowing the existing UA between Grand River and Trailblazer Pub to continue in operation according to its terms. For the foregoing reasons, I recommend that the Board enter an Order:

1. Granting Prairie State’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,



MAR
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. Thomas Long
Grand River Jackpot
notify@grandriverjackpot.com
2963 Stanton Street
Springfield, IL 62703

Carol Lynn Garecht
Trailblazer Pub, Inc.
carolgarecht@aol.com
1914 N. Dirksen Parkway
Springfield, IL 62702

Attorney for Prairie State Gaming
Robert M. Riffle
riffle@rmrenterprises.net
133A South Main
Morton, IL 61550

Attorney for Grand River Jackpot
Richard Hu
rhu@taftlaw.com
Taft Stettinius & Hollister LLP
111 East Wacker Drive, Suite 2800
Chicago, Illinois 60601

Office of General Counsel
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: *Illinois Gaming Investors, LLC d/b/a Prairie State Gaming, Petitioner v. Grand River Jackpot, LLC, Respondent*, Re: *Trailblazer Pub, Inc. d/b/a Trailblazer Pub* (License No. 130705213) 19-UP-018—at the following addresses:

J. Thomas Long
Grand River Jackpot
notify@grandriverjackpot.com
2963 Stanton Street
Springfield, IL 62703

Carol Lynn Garecht
Trailblazer Pub, Inc.
carolgarecht@aol.com
1914 N. Dirksen Parkway
Springfield, IL 62702

Attorney for Prairie State Gaming
Robert M. Riffle
riffle@rmrenterprises.net
133A South Main
Morton, IL 61550

Attorney for Grand River Jackpot
Richard Hu
rhu@taftlaw.com
Taft Stettinius & Hollister LLP
111 East Wacker Drive, Suite 2800
Chicago, Illinois 60601

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

James Jozefowicz /s/
Illinois Gaming Board
160 North LaSalle Street
Suite 300
Chicago, IL 60601