

**STATE OF ILLINOIS
ILLINOIS GAMING BOARD**

GOLD RUSH AMUSEMENTS, INC., d/b/a)	
GOLD RUSH GAMING,)	
)	
Petitioner,)	No. 19-UP-027
v.)	
)	
ACCEL ENTERTAINMENT GAMING, LLC,)	
)	
Respondent.)	
)	
RE: El Patron Sports Bar, Inc. d/b/a)	
El Patron Slots (License no. 130702814))	

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 *Gold Rush Amusements, Inc. d/b/a Gold Rush Gaming* (“Gold Rush”) v. *Accel Entertainment Gaming, LLC, Respondent* (“Accel”) *Re: El Patron Sports Bar, Inc. d/b/a El Patron Slots* (“El Patron”) (License No. 130702814), including the Petition filed, all other pleadings and documents received, and the Administrator’s Recommended Decision.

On July 15, 2019, Gold Rush filed a Rule 320 Petition, asking the Board to find a UA it entered into with El Patron valid and enforceable against a competing UA Accel had with the same establishment and to order Accel to remove its VGTs from inside that location. On August 12, 2019, Gold Rush requested to withdraw its Petition. On December 13, 2021, Board Administrator Marcus D. Fruchter issued an Administrator’s Recommended Decision that the Board grant Gold Rush’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.*

Gold Rush’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, Gold Rush seeks to withdraw its request, notifying the Board that it signed a revenue sharing agreement with Accel which settled the UA dispute between parties regarding the contested location. 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 Gold Rush’s August 12, 2019, request to withdraw its above-captioned Petition regarding El Patron;
- (3) Makes no findings of facts or conclusions of law on the merits of Gold Rush’s Petition; and
- (4) Closes the Petition regarding El Patron.

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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Petitioner,)	
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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).

Gold Rush Amusements, Inc. d/b/a Gold Rush Gaming (“Gold Rush”) brought the above-captioned Rule 320 Petition against Respondent Accel Entertainment Gaming, LLC (“Accel”) on July 15, 2019 to contest the validity and enforceability of an agreement to control the placement and operation of video gaming terminals (“VGTs”) at El Patron Sports Bar, Inc. d/b/a El Patron Slots (“El Patron”). Subsequently, on August 12, 2019, Gold Rush both (1) notified the Board it signed a revenue sharing agreement with Accel settling their dispute; and, (2) requested leave from the Board to withdraw its Petition. There is no justiciable controversy under Rule 320 for the Board to resolve.

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

1. Granting Gold Rush’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

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Illinois Gaming Board
160 North LaSalle Street, Suite 300
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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: *Gold Rush Amusements, Inc. Petitioner, v. Accel Entertainment Gaming, LLC, Respondent, Re: El Patron Sports Bar, Inc. d/b/a El Patron Slots* (License No. 130702814) 19-UP-027—at the following addresses:

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