

**STATE OF ILLINOIS  
ILLINOIS GAMING BOARD**

<b>ACCEL ENTERTAINMENT GAMING, LLC,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>No. 19-UP-034</b>
	)	
<b>ILLINOIS OPERATORS, INC. and</b>	)	
<b>CRYST, INC. d/b/a PEPE’S MEXICAN RESTAURANT,</b>	)	
	)	
	)	
<b>Respondents.</b>	)	
	)	

**RE: Cryst, Inc. d/b/a Pepe’s Mexican Restaurant (License No. 140701599)**

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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 *Accel Entertainment Gaming, LLC*, (“Accel”) *v. Illinois Operators, Inc.* (“Operators”) and *Cryst, Inc., d/b/a Pepe’s Mexican Restaurant* (“Cryst”) *Respondents, Re: Cryst, Inc., d/b/a Pepe’s Mexican Restaurant* (License No. 140701599), including the filed Petition, all other pleadings received, and the Administrator’s Recommended Decision.

On November 25, 2019, Accel filed the above-captioned Rule 320 Petition against Operators and Cryst to contest the validity and enforceability of an agreement that purports to control the placement and operation of video gaming terminals (“VGTs”) at Cryst. Subsequently, the Board non-renewed Cryst’s establishment license effective February 10, 2022. On March 2, 2022, Board Administrator Marcus D. Fruchter issued an Administrator’s Recommended Decision (“ARD”) recommending the Board dismiss Accel’s Petitions and conclude the matter. 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 also 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.” *Id.* Cryst no longer possesses a valid establishment license. No party filed Exceptions to the ARD asking the Board to reject or modify the ARD. In view of the foregoing, the Board finds it is not a proper use of the limited time and resources of all involved to continue this matter.

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 matter;
- (2) Dismisses Accel’s Petition;
- (3) Makes no findings of fact or conclusions of law on the merits of Accel’s Petition; and
- (4) Closes this Petition.

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**

[Redacted Signature]

Charles Schmadeke, Chairman

[Redacted Signature]

Dionne R. Hayden

[Redacted Signature]

Anthony Garcia

Marc E. Bell

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**ADMINISTRATOR RECOMMENDED DECISION**

This dispute comes before the Illinois Gaming Board (the “Board”) under Section 1800.320(b) of the Board’s Adopted Rules (the “Rules”). 11 Ill. Adm. Code 1800.320 (b). This Recommendation issues under Section 1800.320(b)(6) of the Rules. 11 Ill. Adm. Code 1800.320(b)(6).

On November 25, 2019, Accel Entertainment Gaming, LLC (“Accel”) petitioned the Board for an Order: (1) declaring Accel’s April 5, 2017 use agreement with Cryst, Inc. d/b/a Pepe’s Mexican Restaurant (the “Location”) to be valid for the placement and operation of video gaming terminals; (2) directing Illinois Operators, Inc. to immediately remove its video gaming terminals from the Location; and (3) allowing Accel to immediately install its video gaming terminals in the Location.

The Board non-renewed the Location’s establishment license of effective February 10, 2022. Because the Location lost its video gaming license, Accel’s Petition is moot and, accordingly, should be dismissed.

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

1. Adopting this Recommended Decision;
2. Dismissing Accel’s Petition in the above-captioned matter; 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 by 5 pm central standard time 14 days after receipt of the Recommend Decision.**

**DATED: March 2, 2022**

**RESPECTFULLY SUBMITTED,**



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