

Quarterly Business Meeting Information and Agenda

Notice is hereby given that the South Dakota Commission on Gaming will hold administrative hearings, a public hearing on proposed amendments to rules, and its quarterly business meeting on Tuesday, September 22, 2026, beginning at 9:00 a.m. MST in the City Commission Chambers at Deadwood City Hall, 102 Sherman Street, Deadwood, South Dakota.

Microsoft Teams meeting

<https://teams.microsoft.com/meet/294048269626789?p=BKcULoPANvjEeD3nhQ>

Meeting ID: 294 048 269 626 789

Passcode: hF2QG7hh

Join by Telephone Dial: 1-605-679-7263

Conference ID: 642 171 62

When prompted, state your name followed by the #

All participants will be muted when joining the meeting.

Dial-in participants *6 to mute/unmute, * 9 to raise your hand

Agenda

Call Meeting to Order and Roll Call

Conflicts of Interest Disclosure

Approval of Quarterly Business Meeting Agenda

Pages 1-2

Administrative Hearings :

Melva Clifford – SDCG Complaint # 26-06-045 / Slot Machine Wager

Pages 3-17

Rules Hearing

- 1) ARSD 20:18:15:30's Variations of play for 21+3, Pages 18-30

Quarterly Business Meeting

Approval of June 23, 2026, quarterly business meeting minutes Pages 31-37

A review of South Dakota Open Meeting Laws as required by SDCL 1-25-13, comments by legal counsel. Minutes of the meeting must include an acknowledgement that the review was completed. Pages 38-41

Public Comment

Licensing matters: Pages 42-49

Approval of New Key licenses. Pages 43-45

Approval of Gaming Property Owners license. Pages 46 -47

ARSD 20:18:07:01 – SCA Entertainment, LP dba SCA Gaming. Associated Equipment
Manufacturer / Distributor. Pages 48-49

Executive Session pursuant to SDCL 42-7B-8.1 / ARSD 20:18:08.01:02

Decision on Administrative Hearings

Approval of the next quarterly business meeting on Tuesday, December 15, 2026.

Adjournment.

Notice is given to individuals with disabilities that this meeting is being held in a physically accessible location. Please notify the Commission on Gaming Office, 605-578-3074, at least 48 hours before the meeting if you have a disability for which special arrangements must be made.



SOUTH DAKOTA COMMISSION ON GAMING

120 Industrial Drive, Suite 1 • Spearfish, SD 57783

(605) 578-3074 • dor.sd.gov/gaming

INCIDENT REPORT

INCIDENT: Slot Dispute

INCIDENT NUMBER: 26-06-043

DATE OF INCIDENT: 06/04/2026

PLACE OF INCIDENT: The Lodge at Deadwood
100 Pine Crest Drive
Deadwood, SD 57732

INVESTIGATING AGENT: Brandon Snyder

DATE OF REPORT: 06/04/2026

PATRON: **Melva Clifford**

Pine Ridge, SD 57770
PH: (605)-

NARRATIVE:

On June 1st, 2026, I was notified by Lodge employee CJ Hester of a slot dispute. CJ stated the dispute occurred on May 29th, 2026. He stated the player had called The Lodge and complained at a later point. I collected the information from CJ and requested video and statements from the staff involved.

I spoke with the player, identified by Lodge staff as Melva Clifford, over the phone. Melva stated she was playing on a machine and bells and sounds started emitting from the machine and then the machine went black. She said the staff came over and reset the machine and she moved to the machine next to it. She said she should have won \$1,000 but had only won \$150. She stated she was betting \$2.50.

I advised Melva that due to the belated nature of the dispute it would be difficult to find the exact information as the machine has since been played and typically a game only records the last 10 games.

I reviewed the Standard Transaction Report for the slot machine. It showed a game communication had been lost and restored between 2147 hours and 2151 hours. It showed a ticket was printed after for \$155.98 at 2153 hours.

I reviewed the video surveillance and observed Melva sitting at the machine, later identified by stamp #26-2226 at about 2136 hours. Melva inserts currency and plays the machine. You can see Melva is not betting the maximum amount. In the rules of the game, it states credits bet are the same as the game that triggered the feature. At about 2141 hours the game enters a bonus "All Aboard Feature". It appears the amount shown on the screen for a final win of \$126.50 before the screen goes blank at about 2143 hours.

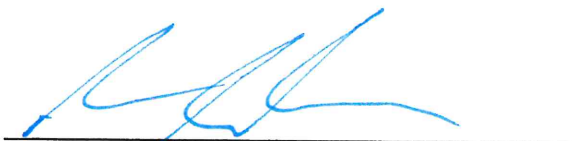
At about 2145 hours a staff member arrives to help Melva. The staff member, later identified as Shannon Hanson, is observed speaking with Melva. Another staff member, later identified as Ken Kermu arrives and is seen speaking with Melva while resting the machine. The machine reboots and shows the same screen before it had lost connection. Melva plays the machine again before cashing out her ticket.

At about 2155 Melva is seen speaking to another guest. During that time Shannon comes over and talks to Melva again. Ken also comes over and talks to Melva. Melva plays the machine some more and is seen leaving the machine at 2205 hours.

I reviewed the statements from Shannon and Ken. Both statements said they explained the game to her and she seemed satisfied with the answer and continued to play the game.

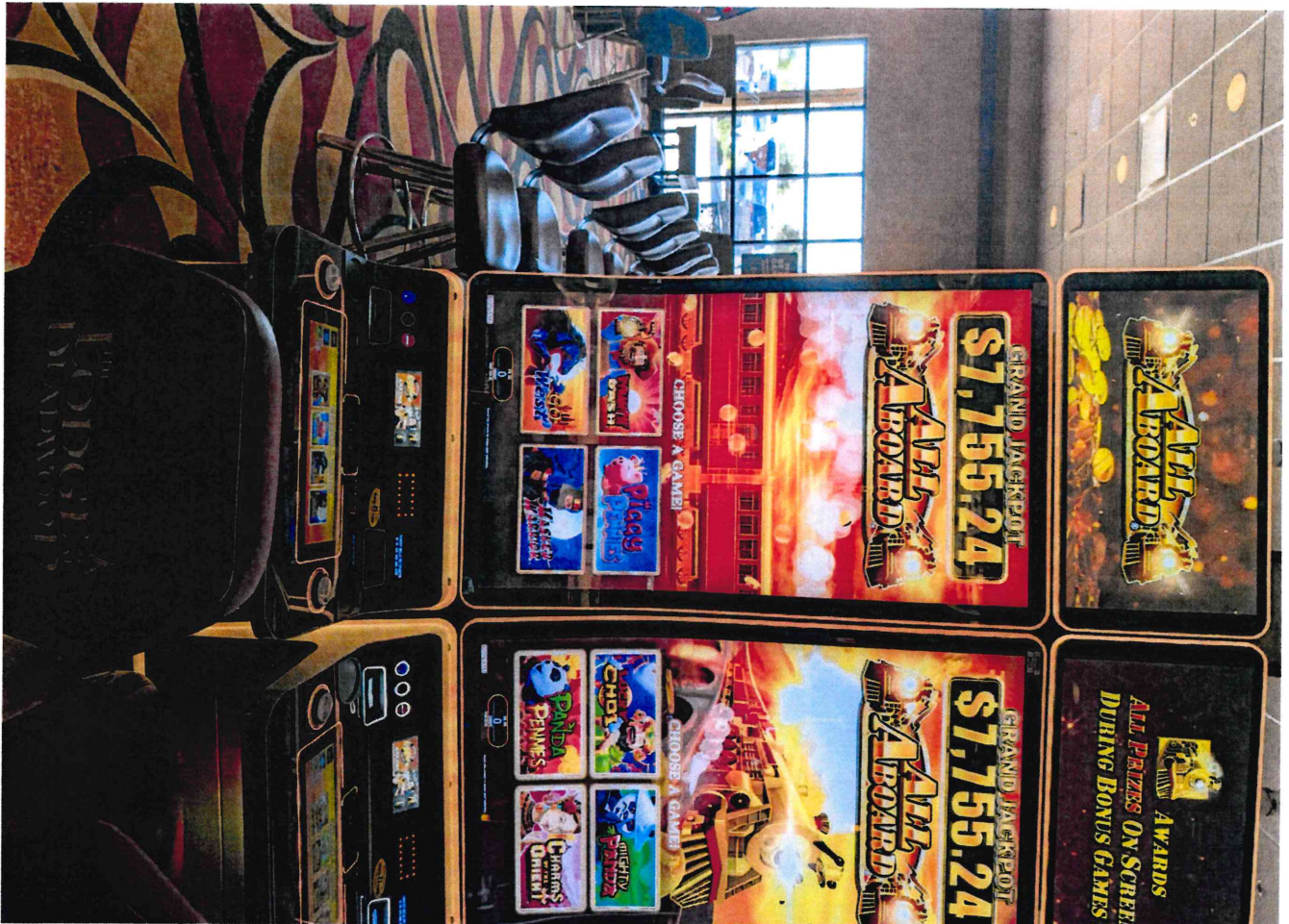
Based on the video, logs, and written statements it appears the game paid out correctly. A letter will be mailed to the player and The Lodge.

END OF REPORT



Brandon S. Snyder

SPECIAL AGENT – INVESTIGATIONS / ENFORCEMENT
SD COMMISSION ON GAMING





Feature Game Rules

PAGE 6 / 8

FREE GAME FEATURE

- ANY 3  TRIGGER 3 FREE GAMES.
- DURING THE FREE GAME FEATURE, THE NUMBER OF  IS INCREASED.
- THE ALL ABOARD FEATURE CAN BE TRIGGERED DURING THE FREE GAME FEATURE.
- ADDITIONAL FREE GAMES CAN BE WON DURING THE FREE GAME FEATURE.
- DIFFERENT REELS ARE USED DURING THE FREE GAME FEATURE.
- CREDITS BET AND LINES PLAYED ARE THE SAME AS THE GAME THAT TRIGGERED THE FEATURE.

Basic Game Rules

PAGE 3 / 8

DYNAMITE DASH™

- MINIMUM BET IS 50 CREDITS.
- ALL WINS ARE SHOWN IN CREDITS EXCEPT **GRAND JACKPOT**, **MEGA BONUS**, **MAXI BONUS**, **MAJOR BONUS** AND **MINI BONUS** AMOUNTS SHOWN.
- VALUES FOR **MEGA BONUS**, **MAXI BONUS**, **MAJOR BONUS** AND **MINI BONUS** SCALE WITH THE DENOMINATION AND CREDITS BET.
- THE CHANCE OF WINNING **GRAND JACKPOT** WILL CHANGE WITH THE DENOMINATION AND CREDITS BET.
- **GRAND JACKPOT** MAY BE AWARDED RANDOMLY AT THE END OF ANY BOUGHT GAME.
- MALFUNCTION voids all pays and plays.
- ALL WINS PAID BY MACHINE OR ATTENDANT.
- A PLAYER CANNOT INFLUENCE THE RESULT OF A GAME BY STOPPING THE REEL SPINS.
- PLAYER IS RESPONSIBLE FOR ENSURING CORRECT CREDITS ARE REGISTERED BEFORE PLAY.
- THE GAME DISPLAY DOES NOT INDICATE HOW CLOSE YOU WERE TO WINNING, AND CANNOT NECESSARILY BE USED TO DETERMINE YOUR CHANCES OF WINNING OR LOSING IF YOU CONTINUE TO PLAY.

Feature Game Rules

PAGE 4 / 8

ALL ABOARD FEATURE

- ANY 8 OR MORE  TRIGGER THE ALL ABOARD FEATURE.
- ALL REMAINING POSITIONS BECOME INDIVIDUAL SPINNING REELS.
- 3 BONUS GAMES ARE AWARDED.
- DURING THE ALL ABOARD FEATURE, ONLY  AND  CAN APPEAR ON THE REELS.
- AT THE START OF THE ALL ABOARD FEATURE, ALL  CHANGE TO  REVEALING EITHER **MEGA BONUS**, **MAXI BONUS**, **MAJOR BONUS**, **MINI BONUS** OR CREDIT PRIZES.
- AT THE END OF EACH BONUS GAME, EACH  CHANGES INTO  REVEALING EITHER **MEGA BONUS**, **MAXI BONUS**, **MAJOR BONUS**, **MINI BONUS** OR A CREDIT PRIZE UNLESS ALL 15 POSITIONS ARE FILLED.
- CREDIT PRIZES CAN BE 50, 75, 100, 125, 150, 250, 450 OR 800 MULTIPLIED BY THE BET PER LINE.
- THE CHANCE OF WINNING **MEGA BONUS**, **MAXI BONUS**, **MAJOR BONUS**, **MINI BONUS** OR A CREDIT PRIZE CHANGES WITH A CHANGE IN BET PER LINE AND DENOMINATION.
- DURING EACH BONUS GAME, THE  ARE HELD.
- IF 1 OR MORE  APPEAR DURING A BONUS GAME, THE TOTAL PRIZES ON ALL  ARE AWARDED, AND THE BONUS GAMES REMAINING IS RESET TO 3.

Feature Game Rules

PAGE 5 / 8

ALL ABOARD FEATURE

- IF NO  APPEAR DURING THE ALL ABOARD FEATURE, THE INITIAL PRIZES ON  ARE AWARDED.
- THE ALL ABOARD FEATURE ENDS WHEN THE NUMBER OF BONUS GAMES REMAINING IS 0 OR WHEN ALL 15 POSITIONS ARE EITHER  OR .
- DIFFERENT REELS ARE USED DURING THE ALL ABOARD FEATURE FOR DIFFERENT WAGER AMOUNTS.
- THE **GRAND JACKPOT** IS AWARDED WHEN ALL 15 POSITIONS ARE  OR  AT THE END OF A BONUS GAME DURING THE ALL ABOARD FEATURE.
- CREDITS BET ARE THE SAME AS THE GAME THAT TRIGGERED THE FEATURE.

June 2, 2026

On the night in question, I was stopped by a lady, saying she didn't know how to gamble and didn't know anything about the machines or what they do. Then she followed that by saying she put some money in the machine she was sitting at, it went into a bonus and then she wasn't able to get any of the buttons or touch screen to work, and also said that she thought she should've gotten a bigger bonus after her spin. I explained to her that she should probably read the rules of the game before playing and putting money into a machine she doesn't know anything about, first and foremost, and second, that her bonus typically depends on her bet. She had no clue what I was saying to her, as she gazed off in confusion. I told her, if you read the rules to some of these games, it will specifically tell you that your bonus depends on your bet, for example, you bet (x) and you get (z), you bet (a) and you get (b). She asked me, "Then what was I supposed to get on this game then?" I told her, "The machine is locked up now, so I can't get into the rules, but I'm going to call a floor supervisor over so they can explain to you how this machine works." I called for a floor supervisor, and Ken came over, I explained the situation, he then rebooted the machine because of the main issue, then explained why she didn't hit the bonus she thought she deserved...which ended up being, she didn't get all her trains and her bet was low. After Ken explained, she was satisfied with the answer, and we went on with our business and never had any other interaction with her. In fact, she continued to play those two machines, then left.

Shannon Hanson

A handwritten signature in black ink, appearing to read "Shannon Hanson", with a long horizontal flourish extending to the right.

I was called over to the machine by Shannon. The machine locked up during the bonus. We rebooted the machine and told her the machine would come back to the bonus. It did. Shannon called me back a little later. The lady thought she had won the major. I explained how the bonus works. After the moving train initiates the bonus, and she will have the first spin with credits showing. If she does not see another moving train, that first screen of credits will be all she will collect. If a moving train comes up again, she will get all of the credits that are shown at that time. She seemed to accept my explanation and continued playing. She did not seem upset and I never heard from her again.

Ken Kermu



SOUTH DAKOTA COMMISSION ON GAMING

120 Industrial Drive, Suite 1 • Spearfish, SD 57783
(605) 578-3074 • dor.sd.gov/gaming

Melva Clifford

Pine Ridge, SD 57770

Ms. Clifford,

This letter is in reference to the dispute you had on 05/29/2026 regarding a slot machine at The Lodge in Deadwood, SD. The agent on duty investigated the complaint and the findings and final decision of the dispute are stated below.

In reviewing the agent's report, you claimed you should have won a larger award than what you had won during a machine error. The agent conducted an inspection of the machine.

After reviewing the agent's report and the steps taken during the investigation –a review of the CMS and video surveillance. We found no additional amount should have been awarded during the error. We also found no areas of concern and no violations.

Upholding the integrity of gaming in Deadwood is our priority and we will always investigate any issues brought to our attention.

If you have any other questions regarding this dispute, please contact Agent Brandon Snyder at the address and phone number above.

Sincerely,



Mark Heltzel
DEPUTY EXECUTIVE SECRETARY
SD COMMISSION ON GAMING

MH:BS

20:18:11:01. Petition for hearing. A person aggrieved by an action of the commission or the executive secretary that was taken without a hearing may, within 30 days following the date of the action, petition the commission for a hearing. The hearing must be held at a time and place convenient for the commission and the petitioner. The hearing is a contested case.

A petition for hearing should be mailed to: Executive Secretary
South Dakota Commission on Gaming
221 W. Capitol, Suite 101
Pierre, SD 57501

June 18th, 2026

Executive Secretary

South Dakota Commission on Gaming

221 W. Capitol Suite 101

Pierre, SD 57501

Greeting Gaming Commission:

I, Melva Clifford, am hereby requesting a Petition for a Hearing, on the Review that was conducted on a Machine which I had won on at the Lodge in Deadwood but was only given a payout of \$150.00.

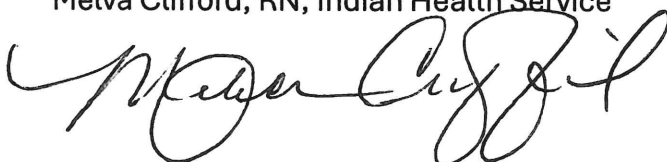
I am also requesting to see the surveillance myself, because it was stated that they found no additional amount. The Machine was on trains, that flip and my bet was \$2.50, the mega on that bet was set at \$1000, as the investigation reported that he did not see a Mega ball in the review is an outright lie. Therefore, I am asking for you to produce the surveillance and describe the clothing that I had on, the time and what happened after the machine and the machine next to it malfunctioned.

Never have I experienced a Machine like that go completely black, then a bunch of numbers and letters go across the screen. My mother, as my witness, came over, because she heard the machine sing, then nothing. I have never won a prize of that size ever, so of course I didn't know what was happening. I asked the slot tech, will all the winnings come back up, she said oh sure, that she has never seen anything like this before herself.

I will be looking forward to hearing from you soon.

Sincerely,

Melva Clifford, RN, Indian Health Service

A handwritten signature in black ink, appearing to read 'Melva Clifford', written in a cursive style.

South Dakota Commison on Gaming
445 E Capital Ave
Pierre SD 57501

- ☐ Vital Record Application
- ☒ Other Document



SOUTH DAKOTA COMMISSION ON GAMING

120 Industrial Drive, Suite 1 • Spearfish, SD 57783
(605) 578-3074 • dor.sd.gov/gaming

COPY

July 5, 2026

Melva Clifford

Pine Ridge, SD 57770

Melva Clifford,

Thank you for your letter dated June 18th, 2026. In reading your letter, I see that you have requested a hearing before the commission regarding an incident that occurred on May 29th, 2026, at The Lodge at Deadwood.

We will place you on the agenda for our next scheduled quarterly business meeting in September. As the date gets closer, I will send you a notice of hearing with more information.

Thank you for your letter.

Mark Heltzel
Executive Secretary
South Dakota Commission on Gaming



SOUTH DAKOTA COMMISSION ON GAMING

120 Industrial Drive, Suite 1 • Spearfish, SD 57783
(605) 578-3074 • dor.sd.gov/gaming

NOTICE OF HEARING

TO: Melva Clifford
17785 HWY 18
Box 1730
Pine Ridge, SD 57770

In the matter of:

- A slot dispute that occurred at The Lodge of Deadwood on May 29th, 2026, while playing an All Aboard-themed slot machine with SDCG stamp # 26-2226.

Notice is hereby given that a hearing will be held before the South Dakota Commission on Gaming on **September 22, 2026, at 9:00 AM** in the City Commission Chambers of Deadwood City Hall, located at 102 Sherman Street, Deadwood, SD 57732.

A hearing under ARSD 20:18:11:01, a person aggrieved by an action of the commission or the executive secretary has been requested. The purpose of this hearing is to review the information and investigation completed and determine the validity of the wager made on the All Aboard slot machine and the resulting winnings.

The hearing is held by the authority of ARSD 20:18:11:01

This hearing is an adversary proceeding. You have the right to be present, to be represented by a lawyer, to call witnesses to testify on your behalf, and to question witnesses who testify against you. These and other due process rights will be forfeited if they are not exercised at the hearing.

If the amount in the controversy exceeds two thousand five hundred dollars or if a property right may be terminated, any party to the case may require the Commission to use the Office of Hearing Examiners by giving notice to the Commission no later than ten days after service of this Notice of Hearing.

The decision of the Commission on Gaming may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Dated at Spearfish, South Dakota, the 10th day of August 2026.

A handwritten signature in black ink, appearing to read 'Mark Heltzel', with a stylized, looping flourish at the end.

Mark Heltzel
Executive Secretary

If you have questions or concerns about the process, please call the Commission's legal counsel, Mr. Doug Abraham, at 605-224-8803. Mr. Abraham will be able to assist you with the process and answer any questions you may have.

Under SDCL 1-26: When a witness or party needs a language interpreter or translator in a contested case proceeding, the agency shall appoint a disinterested interpreter or translator. The prevailing party in the contested case may recover expenditures for the interpreter or translator services. If you require this service, please notify the Commission on Gaming at a minimum of seventy-two hours (3 days) before the scheduled case.

9589 0710 5270 0904 7814 39

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Pine Ridge SD 57770

Certified Mail Fee	\$5.55	0783
\$		02
Extra Services & Fees (check box, add fee and to update)		
☐ Return Receipt (hardcopy)	\$0.00	
☐ Return Receipt (electronic)	\$0.00	
☐ Certified Mail Restricted Delivery	\$0.00	
☐ Adult Signature Required	\$0.00	
☐ Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.82	
\$		
Total Postage and Fees	\$11.02	
\$		

Sent To Melva Clifford

Street and Apt. No. or P.O. Box No. _____

City, State, ZIP+4® Pine Ridge SD 57770

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

Tracking Number:

Remove X

9589071052700904781439

Copy

Add to Informed Delivery

Latest Update

This is a reminder to arrange for redelivery of your item or your item will be returned to sender.

Get More Out of USPS Tracking:

USPS Tracking Plus®

● Delivery Attempt

Reminder to Schedule Redelivery of your item

August 18, 2026

● Available for Pickup

PINE RIDGE

PINE RIDGE SD 57770-9998

Mon-Fri 8:00 AM-4:30 PM

Sat 10:30 AM-1:00 PM

August 13, 2026 5:00 PM

● See All Tracking History

What Do USPS Tracking Statuses Mean?

Text & Email Updates



Feedback

USPS Tracking Plus®



Product Information



See Less ^

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs

FORM 6
SOUTH DAKOTA COMMISSION ON GAMING

Notice of Public Hearing to Adopt Rules

A public hearing will be held at the City Hall, 102 Sherman Street, Deadwood, South Dakota, on Tuesday, September 22, 2026, at 9:00 a.m., MT, to consider the adoption and amendment of proposed rules numbered:

20:18:15:30.03. Variations of the play - - 21 + 3.

This rule's proposal modifies the existing structure for a Blackjack variation of play and includes alternate pay tables.

Persons interested in presenting amendments, data, opinions, and arguments for or against the proposed rules may appear in-person at the hearing, or mail or e-mail them to South Dakota Commission on Gaming, 120 Industrial Drive, Suite 1, Spearfish, South Dakota, 57783 and mark.heltzel@state.sd.us. The deadline to submit any such written comments for consideration by the South Dakota Commission on Gaming is seventy-two hours before the date of the public hearing. After the written comment period, the South Dakota Commission on Gaming will consider all written and oral comments it receives on the proposed rules. The South Dakota Commission on Gaming may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

For Persons with Disabilities: This hearing will be located at a physically accessible place. Please contact South Dakota Commission on Gaming at least 48 hours before the public hearing if you have special needs for which special arrangements can be made by calling 605-578-3074. The text of the above-proposed rules are available on the South Dakota Administrative Rules website at: <http://rules.sd.gov/>. Copies of the proposed rules may be obtained without charge from:

South Dakota Commission on Gaming
120 Industrial Drive, Suite 1
Spearfish, South Dakota 57783
Telephone: (605) 578-3074
Published at the approximate cost of \$_____.

20:18:15:30.03. Variations of the play -- 21+3. ~~21+3 is a copyrighted, trademarked, and patent pending variation of blackjack with optional three card poker. 21+3 must be dealt and played following the standards rules of blackjack in this chapter, except as follows:~~

- ~~———— (1) 21+3 may only be played with either six decks or two decks;~~
- ~~———— (2) 21+3 may be played only on tables displaying the 21+3 layout. At the beginning of each round, in addition to the regular 21 bet the player may also place an optional "3" bet;~~
- ~~———— (3) The cards are dealt according to regular blackjack procedures noting that both player cards must be dealt face up. One of the dealer's cards is dealt face up;~~
- ~~———— (4) The dealer's up card and the first two cards of each player with a wager on the "3" bet form a three card poker hand;~~
- ~~———— (5) Each player "3" bet is resolved from dealer's right to left. Losing "3" bets are taken, winning "3" bets are paid and removed from the play area immediately;~~
- ~~———— (6) After all "3" bets are resolved standard blackjack procedures apply. Insurance and hold card peek after "3" bets resolved;~~
- ~~———— (7) The table "3" bet limits must be posted at each table;~~
- ~~———— (8) Tip bets may be placed by any bet (21 or "3" or both). Tip "3" bet may not be more than the player's "3" bet and may also be limited by posted house policy;~~
- ~~———— (9) Tip bets are paid at the same time as player bet and wins are taken immediately; and~~
- ~~———— (10) 21+3 wagers shall be paid in accordance with the following paytables:~~

	Paytables for 2 or 6 decks
--	----------------------------

	Classic	Xtreme
Straight Flush	9	30
3 of a Kind	9	20
Straight	9	10
Flush	9	5
Pair	-1	-1

	Paytables for 2 decks		
	1	2	3
Straight Flush	2.5	7	9
3 of a Kind	2.5	7	9
Straight	2.5	7	9
Flush	2.5	7	9
Pair	2.5	0	-1

(All payouts are "to 1.")

A 21+3 is an optional bonus and progressive wager for standard blackjack and variants of blackjack, and can be played with one-to-eight standard, fifty-two-card decks. The object of a 21+3 is for the three-card hand, formed from the player's first two cards and the dealer's up-card, achieves a poker hand based on the corresponding paytables. The outcome of the 21+3 is not dependent on the base game's outcome. A 21+3 optional bonus and progressive wager proceeds as follows:

(1) To begin each round, players must place a standard base game wager and may also place a 21+3 bonus and progressive wager;

(2) After all wagers have been placed, two cards are dealt to each player, face-up, and two cards are dealt to the dealer, one face-up and one face-down, as per standard blackjack dealing procedures;

(3) The dealer then follows house procedures to reconcile the 21+3 bonus and progressive wagers based on the corresponding tables listed below:

(a) 21+3 Classic – Players win if their three-card hand, formed from the player's first two cards and the dealer's up-card, achieves a poker hand based on the corresponding paytables. All pays are 'to 1' and the dealer will receive a fixed Dealer Envy pay if the player's 21+3 hand achieves a triggering event that includes a Dealer Envy award:

<u>Hand</u>	<u>PT-FLT-213-01</u>	<u>PT-FLT-213-03</u>
	<u>2 Decks</u>	<u>6 Decks</u>
<u>Straight Flush</u>	<u>2.5</u>	<u>9</u>
<u>Three-of-a-Kind</u>	<u>2.5</u>	<u>9</u>
<u>Straight</u>	<u>2.5</u>	<u>9</u>
<u>Flush</u>	<u>2.5</u>	<u>9</u>
<u>Pair</u>	<u>2.5</u>	<u>Loss</u>

<u>Hand</u>	<u>PT-FLT-213-E01</u>		<u>PT-FLT-213-E02</u>		<u>PT-FLT-213-E03</u>		<u>PT-FLT-213-E04</u>	
	<u>8 Decks</u>						<u>1, 2, or 6 Decks</u>	
	<u>Pays</u>	<u>Envy</u>	<u>Pays</u>	<u>Envy</u>	<u>Pays</u>	<u>Envy</u>	<u>Pays</u>	<u>Envy</u>
<u>Straight Flush</u>	<u>8</u>	<u>\$1</u>	<u>25</u>	<u>\$10</u>	<u>25</u>	<u>\$10</u>	<u>25</u>	<u>\$10</u>
<u>Three-of-a-Kind</u>	<u>8</u>	<u>\$1</u>	<u>15</u>	<u>\$5</u>	<u>15</u>	<u>\$5</u>	<u>15</u>	<u>\$5</u>
<u>Straight</u>	<u>8</u>	<u>\$1</u>	<u>8</u>	<u>\$2</u>	<u>10</u>	<u>\$2</u>	<u>10</u>	<u>\$2</u>

<u>Flush</u>	<u>8</u>	<u>\$1</u>	<u>5</u>	<u>\$1</u>	<u>5</u>	=	<u>5</u>	<u>\$1</u>
--------------	----------	------------	----------	------------	----------	---	----------	------------

(b) 21+3 Xtreme – Players win if their three-card hand, formed from the player's first two cards and the dealer's up-card, achieves a poker hand based on the corresponding paytables. All pays are 'to 1':

<u>Hand</u>	<u>PT-FLT- 213XT-01</u>	<u>PT-FLT- 213XT-03</u>	<u>PT-FLT- 213XT-04</u>
	<u>1,2,4,5,6,8 Decks</u>	<u>4,5,6,8 Decks</u>	
<u>Suited Three-of-a-Kind</u>	=	<u>100</u>	<u>100</u>
<u>Straight Flush</u>	<u>30</u>	<u>40</u>	<u>30</u>
<u>Three-of-a-Kind</u>	<u>20</u>	<u>25</u>	<u>20</u>
<u>Straight</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>Flush</u>	<u>5</u>	<u>5</u>	<u>5</u>

(c) 21+3 Progressive – Players win if their three-card hand, formed from the player's first two cards and the dealer's up-card, achieves a poker hand based on the corresponding paytables. All pays are 'for 1' and the progressive wager is not returned:

<u>3 Aces or 3 Kings (Suit Specific)</u>	=	=	<u>100%</u>	<u>100%</u>
<u>3 Aces or 3 Kings (Suited)</u>	<u>100%</u>	<u>100%</u>	<u>\$2000</u>	<u>\$3000</u>
<u>Three-of-a-Kind (Suited)</u>	<u>\$125</u>	<u>\$150</u>	<u>\$150</u>	<u>\$200</u>
<u>Straight Flush</u>	<u>\$25</u>	<u>\$40</u>	<u>\$40</u>	<u>\$30</u>
<u>Three-of-a-Kind</u>	<u>\$20</u>	<u>\$20</u>	<u>\$20</u>	<u>\$20</u>
<u>Straight</u>	<u>\$7</u>	<u>\$7</u>	<u>\$5</u>	<u>\$10</u>

<u>Flush</u>	<u>\$3</u>	<u>\$3</u>	<u>\$3</u>	=
--------------	------------	------------	------------	---

<u>3 Aces, 3 Kings, or 3 Queens (Suit Specific)</u>	=	=	<u>100%</u>
<u>3 Aces, 3 Kings, or 3 Queens (Suited)</u>	<u>100%</u>	<u>100%</u>	<u>\$2000</u>
<u>Three-of-a-Kind (Suited)</u>	<u>\$125</u>	<u>\$150</u>	<u>\$125</u>
<u>Straight Flush</u>	<u>\$25</u>	<u>\$40</u>	<u>\$40</u>
<u>Three-of-a-Kind</u>	<u>\$20</u>	<u>\$20</u>	<u>\$20</u>
<u>Straight</u>	<u>\$6</u>	<u>\$7</u>	<u>\$6</u>
<u>Flush</u>	<u>\$2</u>	<u>\$2</u>	<u>\$2</u>

<u>3 Aces (Suit Specific)</u>	=	=	<u>100%</u>	<u>100%</u>
<u>3 Aces (Suited)</u>	<u>100%</u>	<u>100%</u>	<u>\$2000</u>	<u>\$3000</u>
<u>Three-of-a-Kind (Suited)</u>	<u>\$125</u>	<u>\$150</u>	<u>\$150</u>	<u>\$200</u>
<u>Straight Flush</u>	<u>\$25</u>	<u>\$40</u>	<u>\$40</u>	<u>\$30</u>
<u>Three-of-a-Kind</u>	<u>\$20</u>	<u>\$20</u>	<u>\$20</u>	<u>\$20</u>
<u>Straight</u>	<u>\$7</u>	<u>\$7</u>	<u>\$5</u>	<u>\$10</u>
<u>Flush</u>	<u>\$3</u>	<u>\$3</u>	<u>\$3</u>	=

--	--	--	--	--

<u>Mini Royal Flush (Suit Specific)</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>
<u>Mini Royal Flush</u>	<u>\$500</u>	<u>\$200</u>	<u>\$200</u>	<u>\$500</u>
<u>Straight Flush</u>	<u>\$75</u>	<u>\$50</u>	<u>\$40</u>	<u>\$75</u>
<u>Three-of-a-Kind</u>	<u>\$50</u>	<u>\$30</u>	<u>\$20</u>	<u>\$30</u>
<u>Straight</u>	<u>\$5</u>	<u>\$5</u>	<u>\$5</u>	<u>\$5</u>
<u>Flush</u>	<u>=</u>	<u>\$3</u>	<u>\$3</u>	<u>=</u>

<u>Hand</u>	<u>PT- PRG- 213-17</u>
<u>3 Aces (Suited)</u>	<u>100%</u>
<u>Must-Hit-By \$250</u>	<u>100%</u>
<u>Three-of-a-Kind (Suited)</u>	<u>\$125</u>
<u>Straight Flush</u>	<u>\$25</u>
<u>Three-of-a-Kind</u>	<u>\$20</u>
<u>Straight</u>	<u>\$7</u>
<u>Flush</u>	<u>\$3</u>

<u>Hand</u>	<u>PT- PRG- 213-18</u>
<u>3 Aces, 3 Kings, or 3 Queens (Suited)</u>	<u>100%</u>
<u>Must-Hit-By \$250</u>	<u>100%</u>
<u>Three-of-a-Kind (Suited)</u>	<u>\$150</u>
<u>Straight Flush</u>	<u>\$40</u>

<u>Three-of-a-Kind</u>	<u>\$20</u>
<u>Straight</u>	<u>\$7</u>
<u>Flush</u>	<u>\$2</u>

(d) 21+3 Multi-Level Progressive – Players win if their three-card hand, formed from the player's first two cards and the dealer's up-card, achieves a poker hand based on the corresponding paytables. All pays are 'for 1' and the progressive wager is not returned:

<u>3 Aces (Suit Specific)</u>	<u>100% Lv.1</u>	<u>100% Lv.1</u>
<u>3 Aces (Suited)</u>	<u>100% Lv.2</u>	<u>100% Lv.2</u>
<u>Three-of-a-Kind (Suited)</u>	<u>100% Lv.3</u>	<u>\$300</u>
<u>Straight Flush</u>	<u>\$40</u>	<u>\$40</u>
<u>Three-of-a-Kind</u>	<u>\$20</u>	<u>\$20</u>
<u>Straight</u>	<u>\$5</u>	<u>\$5</u>
<u>Flush</u>	<u>\$3</u>	<u>\$3</u>

<u>3 Aces (Suit Specific)</u>	<u>100% Lv.1</u>
<u>3 Aces (Suited)</u>	<u>100% Lv.2</u>
<u>3 Aces (Same Color)</u>	<u>100% Lv.3</u>
<u>Three-of-a-Kind (Suited)</u>	<u>\$200</u>
<u>Straight Flush</u>	<u>\$40</u>
<u>Three-of-a-Kind</u>	<u>\$20</u>

<u>Straight</u>	<u>\$10</u>
------------------------	--------------------

<u>3 Aces (Suit Specific)</u>	<u>100% Lv.1</u>
<u>3 Aces (Suited)</u>	<u>100% Lv.2</u>
<u>Three-of-a-Kind (Suited)</u>	<u>100% Lv.3</u>
<u>Must-Hit-By \$250</u>	<u>100%</u>
<u>Straight Flush</u>	<u>\$25</u>
<u>Three-of-a-Kind</u>	<u>\$20</u>
<u>Straight</u>	<u>\$5</u>
<u>Flush</u>	<u>\$3</u>

<u>3 Aces (Suit Specific)</u>	<u>100% Lv.1</u>
<u>3 Aces (Suited)</u>	<u>100% Lv.2</u>
<u>Must-Hit-By \$250</u>	<u>100%</u>
<u>Three-of-a-Kind (Suited)</u>	<u>\$150</u>
<u>Straight Flush</u>	<u>\$25</u>
<u>Three-of-a-Kind</u>	<u>\$20</u>
<u>Straight</u>	<u>\$6</u>
<u>Flush</u>	<u>\$3</u>

<u>Hand</u>	<u>PT-PRG-213-MLP-06</u>	
	<u>Pays</u>	<u>Envy</u>
<u>3 Aces or 3 Kings (Suited)</u>	<u>100% Lv.1</u>	<u>\$50</u>
<u>Three-of-a-Kind (Suited)</u>	<u>100% Lv.2</u>	<u>=</u>
<u>Straight Flush</u>	<u>\$25</u>	<u>=</u>
<u>Three-of-a-Kind</u>	<u>\$20</u>	<u>=</u>
<u>Straight</u>	<u>\$7</u>	<u>=</u>
<u>Flush</u>	<u>\$3</u>	<u>=</u>

(e) 21+3 Dynamic Progressive – Players win if their 3-card hand, formed from the player’s first two cards and the dealer’s up-card, achieves a poker hand based on the corresponding payable(s) below. In addition, for the selected dynamic progressive payable option, each round, a minimum of one to a max of one less than the max amount of fixed-pay hands will be randomly selected, and their default pays will be replaced with one of their ten Dynamic Pay options. The Dynamic Pays will be reset to default after each round.

	<u>Default Pays</u>	<u>Dynamic Pays</u>									
<u>3 Aces (Suited)</u>	<u>100%</u>										
<u>Three-of-a-Kind (Suited)</u>	<u>\$100</u>	<u>\$150</u>	<u>\$200</u>	<u>\$300</u>	<u>\$400</u>	<u>\$500</u>	<u>\$600</u>	<u>\$700</u>	<u>\$800</u>	<u>\$900</u>	<u>\$1000</u>
<u>Straight Flush</u>	<u>\$20</u>	<u>\$30</u>	<u>\$40</u>	<u>\$60</u>	<u>\$80</u>	<u>\$100</u>	<u>\$120</u>	<u>\$140</u>	<u>\$160</u>	<u>\$180</u>	<u>\$200</u>
<u>Three-of-a-Kind</u>	<u>\$10</u>	<u>\$15</u>	<u>\$20</u>	<u>\$30</u>	<u>\$40</u>	<u>\$50</u>	<u>\$60</u>	<u>\$70</u>	<u>\$80</u>	<u>\$90</u>	<u>\$100</u>
<u>Straight</u>	<u>\$2</u>	<u>\$3</u>	<u>\$4</u>	<u>\$6</u>	<u>\$8</u>	<u>\$10</u>	<u>\$12</u>	<u>\$14</u>	<u>\$16</u>	<u>\$18</u>	<u>\$20</u>

<u>Hand</u>	<u>PT-PRG-213-D08</u>
-------------	-----------------------

	<u>Default Pays</u>	<u>Dynamic Pays</u>									
<u>3 Aces (Suited)</u>	<u>100%</u>	-									
<u>Must-Hit-By \$250</u>	<u>100%</u>										
<u>Three-of-a-Kind (Suited)</u>	<u>\$100</u>	<u>\$150</u>	<u>\$200</u>	<u>\$300</u>	<u>\$400</u>	<u>\$500</u>	<u>\$600</u>	<u>\$700</u>	<u>\$800</u>	<u>\$900</u>	<u>\$1000</u>
<u>Straight Flush</u>	<u>\$20</u>	<u>\$30</u>	<u>\$40</u>	<u>\$60</u>	<u>\$80</u>	<u>\$100</u>	<u>\$120</u>	<u>\$140</u>	<u>\$160</u>	<u>\$180</u>	<u>\$200</u>
<u>Three-of-a-Kind</u>	<u>\$10</u>	<u>\$15</u>	<u>\$20</u>	<u>\$30</u>	<u>\$40</u>	<u>\$50</u>	<u>\$60</u>	<u>\$70</u>	<u>\$80</u>	<u>\$90</u>	<u>\$100</u>
<u>Straight</u>	<u>\$2</u>	<u>\$3</u>	<u>\$4</u>	<u>\$6</u>	<u>\$8</u>	<u>\$10</u>	<u>\$12</u>	<u>\$14</u>	<u>\$16</u>	<u>\$18</u>	<u>\$20</u>

<u>Hand</u>	<u>PT-PRG-213-D09a/b</u>										
	<u>Default Pays</u>	<u>Dynamic Pays</u>									
<u>3 Aces or 3 Kings (Suited)</u>	<u>100%</u>										
<u>Three-of-a-Kind (Suited)</u>	<u>\$100</u>	<u>\$150</u>	<u>\$200</u>	<u>\$300</u>	<u>\$400</u>	<u>\$500</u>	<u>\$600</u>	<u>\$700</u>	<u>\$800</u>	<u>\$900</u>	<u>\$1000</u>
<u>Straight Flush</u>	<u>\$20</u>	<u>\$30</u>	<u>\$40</u>	<u>\$60</u>	<u>\$80</u>	<u>\$100</u>	<u>\$120</u>	<u>\$140</u>	<u>\$160</u>	<u>\$180</u>	<u>\$200</u>
<u>Three-of-a-Kind</u>	<u>\$10</u>	<u>\$15</u>	<u>\$20</u>	<u>\$30</u>	<u>\$40</u>	<u>\$50</u>	<u>\$60</u>	<u>\$70</u>	<u>\$80</u>	<u>\$90</u>	<u>\$100</u>
<u>Straight</u>	<u>\$2</u>	<u>\$3</u>	<u>\$4</u>	<u>\$6</u>	<u>\$8</u>	<u>\$10</u>	<u>\$12</u>	<u>\$14</u>	<u>\$16</u>	<u>\$18</u>	<u>\$20</u>

<u>Hand</u>	<u>PT-PRG-213-D10a/b</u>										
	<u>Default Pays</u>	<u>Dynamic Pays</u>									
<u>3 Aces, 3 Kings, or 3 Queens (Suited)</u>	<u>100%</u>										

<u>Three-of-a-Kind (Suited)</u>	<u>\$100</u>	<u>\$150</u>	<u>\$200</u>	<u>\$300</u>	<u>\$400</u>	<u>\$500</u>	<u>\$600</u>	<u>\$700</u>	<u>\$800</u>	<u>\$900</u>	<u>\$1000</u>
<u>Straight Flush</u>	<u>\$20</u>	<u>\$30</u>	<u>\$40</u>	<u>\$60</u>	<u>\$80</u>	<u>\$100</u>	<u>\$120</u>	<u>\$140</u>	<u>\$160</u>	<u>\$180</u>	<u>\$200</u>
<u>Three-of-a-Kind</u>	<u>\$10</u>	<u>\$15</u>	<u>\$20</u>	<u>\$30</u>	<u>\$40</u>	<u>\$50</u>	<u>\$60</u>	<u>\$70</u>	<u>\$80</u>	<u>\$90</u>	<u>\$100</u>
<u>Straight</u>	<u>\$2</u>	<u>\$3</u>	<u>\$4</u>	<u>\$6</u>	<u>\$8</u>	<u>\$10</u>	<u>\$12</u>	<u>\$14</u>	<u>\$16</u>	<u>\$18</u>	<u>\$20</u>

<u>Hand</u>	<u>PT-PRG-213-D11</u>										
	<u>Default Pays</u>	<u>Dynamic Pays</u>									
<u>3 Aces (Suit Specific)</u>	<u>100%</u>	-									
<u>3 Aces (Suited)</u>	<u>\$500</u>	<u>\$750</u>	<u>\$1000</u>	<u>\$1500</u>	<u>\$2000</u>	<u>\$2500</u>	<u>\$3000</u>	<u>\$3500</u>	<u>\$4000</u>	<u>\$4500</u>	<u>\$5000</u>
<u>Three-of-a-Kind (Suited)</u>	<u>\$100</u>	<u>\$150</u>	<u>\$200</u>	<u>\$300</u>	<u>\$400</u>	<u>\$500</u>	<u>\$600</u>	<u>\$700</u>	<u>\$800</u>	<u>\$900</u>	<u>\$1000</u>
<u>Straight Flush</u>	<u>\$20</u>	<u>\$30</u>	<u>\$40</u>	<u>\$60</u>	<u>\$80</u>	<u>\$100</u>	<u>\$120</u>	<u>\$140</u>	<u>\$160</u>	<u>\$180</u>	<u>\$200</u>
<u>Three-of-a-Kind</u>	<u>\$10</u>	<u>\$15</u>	<u>\$20</u>	<u>\$30</u>	<u>\$40</u>	<u>\$50</u>	<u>\$60</u>	<u>\$70</u>	<u>\$80</u>	<u>\$90</u>	<u>\$100</u>
<u>Straight</u>	<u>\$2</u>	<u>\$3</u>	<u>\$4</u>	<u>\$6</u>	<u>\$8</u>	<u>\$10</u>	<u>\$12</u>	<u>\$14</u>	<u>\$16</u>	<u>\$18</u>	<u>\$20</u>

<u>Hand</u>	<u>PT-PRG-213-D12</u>										
	<u>Default Pays</u>	<u>Dynamic Pays</u>									
<u>3 Aces or 3 Kings (Suit Specific)</u>	<u>100%</u>	-									
<u>3 Aces or 3 Kings (Suited)</u>	<u>\$500</u>	<u>\$750</u>	<u>\$1000</u>	<u>\$1500</u>	<u>\$2000</u>	<u>\$2500</u>	<u>\$3000</u>	<u>\$3500</u>	<u>\$4000</u>	<u>\$4500</u>	<u>\$5000</u>

<u>Three-of-a-Kind (Suited)</u>	<u>\$100</u>	<u>\$150</u>	<u>\$200</u>	<u>\$300</u>	<u>\$400</u>	<u>\$500</u>	<u>\$600</u>	<u>\$700</u>	<u>\$800</u>	<u>\$900</u>	<u>\$1000</u>
<u>Straight Flush</u>	<u>\$20</u>	<u>\$30</u>	<u>\$40</u>	<u>\$60</u>	<u>\$80</u>	<u>\$100</u>	<u>\$120</u>	<u>\$140</u>	<u>\$160</u>	<u>\$180</u>	<u>\$200</u>
<u>Three-of-a-Kind</u>	<u>\$10</u>	<u>\$15</u>	<u>\$20</u>	<u>\$30</u>	<u>\$40</u>	<u>\$50</u>	<u>\$60</u>	<u>\$70</u>	<u>\$80</u>	<u>\$90</u>	<u>\$100</u>
<u>Straight</u>	<u>\$2</u>	<u>\$3</u>	<u>\$4</u>	<u>\$6</u>	<u>\$8</u>	<u>\$10</u>	<u>\$12</u>	<u>\$14</u>	<u>\$16</u>	<u>\$18</u>	<u>\$20</u>

(4) The primary game is now played to completion.

Source: 28 SDR 24, effective August 28, 2001; 43 SDR 131, effective April 17, 2017; 44 SDR 151, effective April 30, 2018.

General Authority: SDCL 42-7B-7.

Law Implemented: SDCL 42-7B-4(3)(6), 42-7B-7, 42-7B-15.



SOUTH DAKOTA COMMISSION ON GAMING

120 Industrial Drive, Suite 1 • Spearfish, SD 57783
(605) 578-3074 • dor.sd.gov/gaming

UNAPPROVED MINUTES

**South Dakota Commission on Gaming
Administrative Hearing, Public Hearing to adopt Rules and
Quarterly Business Meeting
Deadwood City Hall, Deadwood, South Dakota**

MINUTES

June 23, 2026

At 9:10 a.m. the meeting was called to order. Chairman Harry Christianson, Vice Chairman Spencer Hawley, Commissioner Bob Goetz, Commissioner Mark Millage, and Commissioner Daryl Christensen were present. Staff members present at the meeting were Doug Abraham, Commission Attorney; Mark Heltzel, Executive Secretary; and Brandon Snyder, Director of Enforcement.

The meeting was called to order by Chairman Christianson at 9:10 a.m. and a quorum was present.

On a roll call all Commissioners were present.

Vice Commissioner Hawley
Commissioner Goetz
Commissioner Millage
Commissioner Christensen
Chairman Christianson

Conflicts of Interest Disclosure

On a roll call no conflicts of interest were disclosed.

Vice Chairman Hawley	Nay
Commissioner Goetz	Nay
Commissioner Millage	Nay
Commissioner Christensen	Nay
Chairman Christianson	Nay

Adoption of Quarterly Business Meeting Agenda

Commissioner Christensen made a motion to adopt the meeting agenda. Commissioner Millage seconded the motion which carried unanimously.

Administrative Hearings

- **In the matter of seized slot machines**

Case 25-10-074 Shawny Hansey

The purpose of the hearing is to determine if the Mecca Easy Rider themed slot machine which was seized by the South Dakota Commission on Gaming, is contraband and may be destroyed pursuant to SDCL 42-7B-39. Shawn Hansey was served notice of the hearing by certified mail but was not present for the hearing. Staff recommended that pursuant to 42-7B-39.2 which provides that any slot machine seized pursuant to the provisions of 42-7B-39 may be destroyed after notice and without hearing of the person from whom the slot machine was seized fails to appear at the time and place scheduled in the hearing notice.

Commissioner Christiansen made a motion to destroy the slot machine. Commissioner Goetz seconded the motion which carried unanimously.

Case 26-01-002 Wayne Gerring

The purpose of the hearing is to determine if the Emerald Rose themed slot machine which was seized by the South Dakota Commission on Gaming, is contraband and may be destroyed pursuant to SDCL 42-7B-39. Wayne Gerring was served notice of the hearing by certified mail but was not present for the hearing. Staff recommended that pursuant to 42-7B-39.2 which provides that any slot machine seized pursuant to the provisions of 42-7B-39 may be destroyed after notice and without hearing of the person from whom the slot machine was seized fails to appear at the time and place scheduled in the hearing notice.

Commissioner Goetz made a motion to destroy the slot machine. Commissioner Millage seconded the motion which carried unanimously.

- **In the matter of a sports wager complaint**

Case 26-04-029 Chad Gerdes

Commissioner Christiansen made motion to move this hearing to the next commission meeting. Vice Chairman Hawley seconded the motion which carried unanimously.

Rules Hearings

ARSD 20:04:27-Penalty for use of illegal substances and restrictions on the use of authorized drugs.

The opportunity for public comment was offered and no member of the public testified in regard to the proposed changes

Vice Chairman Hawley made a motion to adopt the rules with LRC style and form changes with exception of the last paragraph of **20:04:27:12**. Commissioner Goetz seconded the motion which carried unanimously.

ARSD 20:18:15:30-Variation of play for 21+3, Trilux Bonus Blackjack Progressive, Double Down Madness, and Three Card Prime.

The opportunity for public comment was offered and no member of the public testified in regard to the proposed changes

Commissioner Goetz made a motion to adopt the rules with LRC style and form changes. Commissioner Millage seconded the motion which carried unanimously.

ARSD 20:04-Rules regarding online pari-mutuel wagering through advance deposits with multi-jurisdictional totalizer hubs.

The opportunity for public comment was offered and Shane Kramme, representing the Verendrye Benevolent Association, made a comment that the proposed rules should be adopted.

A recess was taken at 10:25 a.m.
Resumed the meeting at 10:35 a.m.

Rules amended:

Page 87-Strike out the entire definition of batch betting.
Page 98-Line 2 strike "wagering rules" and add "terms and conditions".
Page 100 Line 2-3 strike "and wagering proposition" and add to read "The display must include the approximate odds as updated by tote providers and a brief description of the event."
Page 118- Line 8 strike "manager, a trainer, a jockey"
add (6) "Jockey and harness racing drivers in races in which they compete".
Page 125-Strike entire section

Vice Chairman Hawley made a motion to adopt the amendments with style and form changes to the rules on the following pages listed above of the meeting packet. Commissioner Millage seconded the motion which carried unanimously.

Vice Chairman Hawley made a motion to adopt **ARSD 20:04** rules with LRC style and form changes. Commissioner Christiansen seconded the motion which carried unanimously.

General Meeting

March 30, 2026, Quarterly Meeting

Commissioner Goetz made a motion to adopt the minutes as drafted for the March 30, 2026, quarterly meeting. Commissioner Millage seconded the motion which carried unanimously.

Election of Chair and Vice Chair for Fiscal Year 2027

Vice Chairman Hawley made a motion to defer the election of Chair and Vice Chair to the June 2027 meeting. Commissioner Christiansen seconded the motion which carried unanimously.

Public Comment

There was no participation for the comment period of the meeting.

Approval of GLI Contract for Device Testing and Consulting Services

Commissioner Goetz made a motion to approve the contract with Gaming Laboratories International. Commissioner Millage seconded the motion which carried unanimously.

Live Racing Matters

1) Condition Book

Mark Heltzel, Executive Secretary, stated that staff recommended approval of the Verendrye Benevolent Association condition book as listed on pages 194-217 of the meeting packet for the 2026 live horse racing season.

Commissioner Christiansen made a motion to approve the condition book. Commissioner Goetz seconded the motion which carried unanimously.

2) Funding Request

Mark Heltzel, Executive Secretary, stated that staff recommended approval of the Verendrye Benevolent Association funding request as listed on pages 218-233 of the meeting packet for the 2026 live horse racing season

Commissioner Millage made a motion to approve the funding request. Commissioner Christiansen seconded the motion which carried unanimously.

3) Allocations

Mark Heltzel, Executive Secretary, stated that staff recommended the proposed resolutions for the allocation of funds to the Verendrye Benevolent Association for the 2026 live horse racing season.

Resolution 06-26-01

The allocation of funds from the Revolving and Bred funds for purse supplements and racing operations for the 2026 live horse racing season.

Vice Chairman Hawley made a motion to approve Resolution 06-26-01. Commissioner Goetz seconded the motion which carried unanimously.

4) Jockey Bonus

Resolution 06-26-02

The allocation of funds from the Revolving fund for the Jockey bonus for the 2026 live horse racing season.

Commissioner Goetz made a motion to approve Resolution 06-26-02. Commissioner Christiansen seconded the motion which carried unanimously.

5) Track Bond and Insurance

Resolution 6-26-03

Mark Heltzel, Executive Secretary, stated that staff recommended that as a condition of any horse track's license that the corporation or association that holds the license obtain an insurance policy or policies with the limits of \$1 million, naming the South Dakota Commission on Gaming and its agents and employees as additional insured. The policy or policies shall include general liability, liquor liability, jockey insurance, and horse racing activities.

The Executive Secretary also stated that staff recommended that the track be required to obtain a bond, deposit in lieu of bond, or letter of credit to be used, if necessary, to pay purses, salaries, wages, and payments to vendors for goods and services provided to the corporation or association in conducting its racing operations in the amount of \$25,000.00.

Commissioner Goetz made a motion to approve the track insurance and bond of \$25,000.00. Commissioner Christensen seconded the motion which carried unanimously.

6) Verendrye Benevolent Association Horse Racing Officials

Vice Chairman Hawley made a motion to approve the Verendrye Benevolent Association horse racing officials as listed on pages 237-238 of the meeting packet for the 2026 live horse racing season. Commissioner Goetz seconded the motion which carried unanimously.

7) Commission Horse Racing Officials

Commissioner Millage made a motion to approve the Commission horse racing officials as listed on page 240 of the meeting packet for the 2026 live horse racing season. Commissioner Christiansen seconded the motion which carried unanimously.

8) Horse Racing Contracts

Dr. Cooper, DVM

Center for Tox Services Consulting Contract

Stanley County Sheriff Cooperative Agreement

Vice Chairman Hawley made a motion to approve the contract listed above for the 2026 live horse racing season. Commissioner Goetz seconded the motion which carried unanimously.

Approval of Stipulation and Assurance of Voluntary Compliance

BetMGM, LLC

A monetary penalty of \$55,000.00 was imposed for a complaint that was filed on February 24, 2026, alleging that the Defendant engaged in conduct constituting grounds for disciplinary action. The Defendant allowed wagers to be placed on sporting events via a mobile app outside the city limits of Deadwood, SD, in violation of SDCL 42-7B-1 and 42-7B-14. An informal consultation was held, and licensee agreed to the complaint and paid the fine. This matter was deferred to Executive Session.

Jack Daugherty

A monetary penalty of \$100.00 was imposed for a complaint that was filed on March 5, 2026, alleging that the Defendant engaged in conduct constituting grounds for disciplinary action. The Defendant dealt a game of blackjack without 52 cards in the deck in violation of ARSD 20:18:15:02. An informal consultation was held, and licensee agreed to the complaint and paid the fine.

Commissioner Christiansen made a motion to accept the Stipulation and Assurance of Voluntary Compliance. Vice Chairman Hawley seconded the motion which carried unanimously.

Deadwood Licensing Matters

Key License Approvals

Executive Secretary Heltzel recommended approval of the following:

- Marvin Ward
- Andrew Weinberg
- Marty Clark
- Killian Luze
- Clay Schaeffer
- Michael Goldberg
- Matthew Flandermeyer
- Tracey Jones
- Shawn Dimond
- Edmond Mesrobian
- Jeffrey Bitting

Commissioner Millage made a motion to approve the Key license approvals as staff recommended. Vice Chairman Hawley seconded the motion which carried unanimously.

2026 Key License Renewal

Executive Secretary Heltzel recommended approval of the following:

- Trent Looney

Commissioner Christiansen made a motion to approve the Key license renewal as staff recommended. Commissioner Goetz seconded the motion which carried unanimously

Business License Renewals

Executive Secretary Heltzel recommended the approval of all Operators, Route Operators, Retails, Property Owners, Manufacturers, Associated Equipment, and Sports Wagering Service Provider licenses listed on pages 272-273 of the meeting packet.

Commissioner Goetz made a motion to approve the Business license renewals as staff recommended. Commissioner Millage seconded the motion which carried unanimously.

Executive Session

Vice Chairman Hawley made a motion to go into Executive Session. Commissioner Goetz seconded the motion which carried unanimously.

At 11:05 a.m. the Commissioners went into Executive Session pursuant to 42-7B-8.1 and ARSD 20:18:08.01:02.

The Executive Session concluded at 11:59 a.m. with action taken.

Date of Next Meeting

The next quarterly meeting is scheduled for September 22, 2026.

Commissioner Goetz made a motion to approve the scheduled meeting for September 22, 2026. Commissioner Christensen seconded the motion which carried unanimously.

Decision on Stipulation and Assurance of Voluntary Compliance

BetMGM

Vice Chairman Hawley made a motion to accept the Stipulation and Assurance of Voluntary Compliance. Commissioner Christiansen seconded the motion which carried unanimously.

Adjournment

With no further business to be discussed, Commissioner Christiansen made a motion to adjourn the meeting. Commissioner Millage seconded the motion which carried unanimously.

The meeting was adjourned at 12 Noon.

Respectfully Submitted,

Kathy Beringer

Harry Christianson, Chairman

Mark Heltzel, Executive Secretary

of the reasons therefor and findings of fact on each issue and conclusions of law necessary for the proposed decision. The final decision shall be made by a majority of the commission members, with each member's vote set forth in the written decision. The final decision shall be filed with the attorney general and shall be provided to the public entity and or public officer involved, the state's attorney, and any person that has made a written request for such determinations. If the commission finds a violation of this chapter, the commission shall issue a public reprimand to the offending official or governmental entity. However, no violation found by the commission may be subsequently prosecuted by the state's attorney or the attorney general. All findings and public censures of the commission shall be public records pursuant to § 1-27-1. Sections 1-25-6 to 1-25-9, inclusive, are not subject to the provisions of chapter 1-26.

1-25-8. OMC MEMBERS. The South Dakota Open Meeting Commission is comprised of five state's attorneys or deputy state's attorneys appointed by the attorney general. Each commissioner serves at the pleasure of the attorney general. The members of the commission shall choose a chair of the commission annually by majority vote.

1-25-12. DEFINITIONS. Terms used in the open meetings laws mean:

(1) "Official meeting," any meeting of a quorum of a public body at which official business or public policy of that public body is discussed or decided by the public body, whether in person or by means of teleconference or electronic means, including electronic mail, instant messaging, social media, text message, or virtual meeting platform, provided the term does not include communications solely to schedule a meeting or confirm attendance availability for a future meeting;

(2) "Political subdivision," any association, authority, board, municipality, commission, committee, council, county, school district, task force, town, township, or other local governmental entity, which is created by statute, ordinance, or resolution, and is vested with the authority to exercise any sovereign power derived from state law;

(3) "Public body," any political subdivision or the state;

(4) "State," each agency, board, commission, or department of the State of South Dakota, not including the Legislature; and

(5) "Teleconference," an exchange of information by any audio, video, or electronic medium, including the internet.

1-25-13. ANNUAL REVIEW OF OPEN MEETING LAWS. Any agency, as defined in § 1-26-1, or political subdivision of this state, that is required to provide public notice of its meetings pursuant to § 1-25-11 or 1-25-13 must annually review the following, during an official meeting of the agency or subdivision:

(f) The explanation of the open meeting laws of this state published by the attorney general, pursuant to § 1-11-1; and

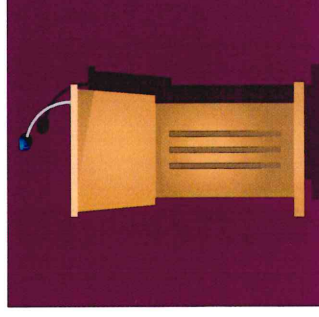
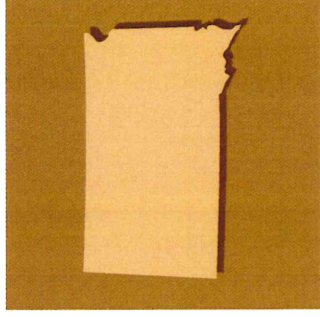
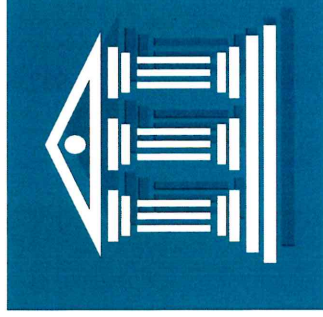
(2) Any other material pertaining to the open meeting laws of this state provided by the attorney general.

The agency or subdivision must include in the minutes of the official meeting an acknowledgement that the review was completed.

1-27-116. MEETING PACKETS AND MATERIALS. If a meeting is required to be open to the public pursuant to § 1-25-1 and if any printed material relating to an agenda item of the meeting is prepared or distributed by or at the direction of the governing body or any of its employees and the printed material is distributed before the meeting to all members of the governing body, the material shall either be posted on the governing body's website or made available at the official business office of the governing body at least twenty-four hours prior to the meeting or at the time the material is distributed to the governing body, whichever is later. If the material is not posted to the governing body's website, at least one copy of the printed material shall be available in the meeting room for inspection by any person while the governing body is considering the printed material. However, the provisions of this section do not apply to any printed material or record that is specifically exempt from disclosure under the provisions of this chapter or to any printed material or record regarding the agenda item of an executive or closed meeting held in accordance with § 1-25-2. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to printed material, records, or exhibits involving contested case proceedings held in accordance with the provisions of chapter 1-26.

1-27-117. DRAFT MINUTES. The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not apply if an audio or video recording of the meeting is available to the public on the governing body's website within five business days after the meeting. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to draft minutes of contested case proceedings held in accordance with the provisions of chapter 1-26.

1-27-118. WORKING GROUP REPORTS. Any final recommendations, findings, or reports that result from a meeting of a committee, subcommittee, task force, or other working group which does not meet the definition of a political subdivision or public body pursuant to § 1-25-1, but was appointed by the governing body, shall be reported in open meeting to the governing body which appointed the committee, subcommittee, task force, or other working group. The governing body shall delay taking any official action on the recommendations, findings, or reports until the next meeting of the governing body.



Conducting the Public's Business in Public

An explanation of
South Dakota's
Open Meetings Laws
(Effective July 1, 2026)

Prepared by:
S.D. Attorney General's Office
in partnership with the
S.D. NewsMedia Association

Published by:
South Dakota NewsMedia Association
1125 32nd Ave. Brookings, SD 57006

Q: WHAT ARE SOUTH DAKOTA'S OPEN MEETINGS LAWS?

A: South Dakota's open meetings laws embody the principle that the public is entitled to the greatest possible information about public affairs and are intended to encourage public participation in government. SDCL Ch. 1-25 requires that official meetings of public bodies must be public and advance notice is to be given of such meetings. The statutes define an "official meeting" as one where a quorum of the public body is present and at which official business or public policy of the body is discussed or decided. **Openness in government is encouraged.**

Q: WHO DOES THE OPEN MEETINGS LAWS APPLY TO?

A: The open meetings laws apply to all public bodies of the state and its political subdivisions. SDCL 1-25-1, 1-25-12(3). This includes cities, counties, school boards and other public bodies created by ordinance or resolution, such as appointed boards, task forces, and committees, so long as they have authority to exercise sovereign power. SDCL 1-25-12(2). Although no court decisions have been issued on the subject, this probably does not include bodies that serve only in an advisory capacity. The State Constitution allows the Legislature and the Unified Judicial System to create rules regarding their own separate functions.

Q: WHAT MUST BE INCLUDED ON THE PROPOSED AGENDA?

A: A proposed agenda, as required by § 1-25-11 or 1-25-13, must list all items to be considered by a public body during any official meeting. The proposed agenda items must be described in sufficient detail to reasonably inform the public of any official business or public policy intended to be considered at the meeting.

Q: ARE TELECONFERENCES CONSIDERED PUBLIC MEETINGS?

A: Yes. The open meetings laws allow meetings, including executive or closed meetings, to be conducted by teleconference – defined as an exchange of information by audio, video, or electronic means (including the internet) – if a place is provided for the public to participate. SDCL 1-25-1.5, 1-25-12(5). In addition, for teleconferences where less than a quorum of the public body is present at the location open to the public, arrangements must also be made for the public to listen by telephone or internet (except for portions of meetings properly closed for executive sessions). SDCL 1-25-1.6. The media and public must be notified of teleconference meetings under the same notice requirements as any other meeting.

Q: HOW ARE THE PUBLIC AND MEDIA NOTIFIED WHEN PUBLIC BUSINESS IS BEING DISCUSSED?

A: SDCL 1-25-11 requires that all political subdivisions (except the state and its boards, commissions, or departments as provided in § 1-25-1.3) prominently post a notice and copy of the proposed agenda at the political subdivision's principal office. At a minimum, the proposed agenda must include the date, time, and location of the meeting and must be visible, readable, and accessible to the public for 24 continuous hours immediately preceding the meeting. Also, if the political subdivision has its own website, the notice must be posted on the website upon dissemination of the notice. For special or rescheduled meetings, political subdivisions must comply with the regular meeting notice requirements as much as circumstances permit. The notice must be delivered in person, by mail, by email, or by telephone to all local news media who have asked to be notified. It is good practice for local media to renew requests for notification of special or rescheduled meetings at least annually.

SDCL 1-25-1.3 varies slightly from SDCL 1-25-1.1 and requires the State and its agencies, boards, commissions, or departments to post a proposed agenda both on <http://boardsandcommissions.gov>.

business or public policy intended to be considered at the meeting. A violation of this section is a Class 2 misdemeanor.

1-25-2. EXECUTIVE SESSION. An executive session or closed meetings may be held only for the purposes of:

(f) Discussing the character, competence, fitness, performance, or qualifications of any current or prospective public officer or employee, not including an independent contractor;

(2) Discussing a student's:

(a) Discipline, expulsion, or suspension;

(b) Assignment or educational program; or

(c) Eligibility to participate in interscholastic activities provided by the South Dakota High School Activities Association;

(3) Consulting with legal counsel, or reviewing communications from legal counsel, about proposed or pending litigation or contractual matters;

(4) Preparing for contract negotiations or negotiating with employees or employee representatives;

(5) Discussing marketing or pricing strategies by a board or commission of a business that is owned by the state or any of its political subdivisions, if public discussion may be harmful to the competitive position of the business; or

(6) Discussing the following information pertaining to the protection of public or private property and any person on or within the property:

(a) Any vulnerability assessment or response plan intended to prevent or mitigate criminal acts;

(b) Emergency management or response;

(c) Public safety information that would create a substantial likelihood of endangering public safety or property, if disclosed;

(d) Communications network schema, computer systems, cyber security plans, passwords, or user identification names;

(e) Guard schedules;

(f) Lock combinations; and

(g) Any blueprint, building plan, or infrastructure record regarding any building or facility, which would expose or create vulnerability through disclosure of the configuration, location, or security of critical systems of the building or facility;

(7) Discussing any emergency or disaster response plans or protocols, safety or security audits or reviews, or lists of emergency or disaster response personnel or material; and

(8) Discussing the location of or listing any:

(a) Ammunition or weapons;

(b) Biological, chemical, or nuclear agents; or

(c) Other military or law enforcement equipment or personnel.

An executive session or closed meeting may be held only upon a majority vote of the members of the public body present and voting at an otherwise open official meeting.

In the absence of a unanimous vote, any vote to

enter executive session must be taken by roll call. A motion to enter executive session must state the applicable subdivision in this section, or any other applicable law, pursuant to which the executive session is to be held. The motion and vote to enter executive session must be reported in the minutes of the proceedings. Discussion during executive session is restricted to the purpose specified in the motion to enter executive session.

Any official action concerning the matters considered pursuant to this section must be taken at an open official meeting.

Nothing in § 1-25-1 or this section prevents an executive session or closed meeting if the federal or state Constitution or any federal or state statute permits or requires the session or meeting. A violation of this section is a Class 2 misdemeanor.

1-25-6. DUTY OF STATE'S ATTORNEY. If a complaint alleging a violation of chapter 1-25 is made pursuant to § 23A-2-1, the state's attorney shall take one of the following actions:

(1) Prosecute the case pursuant to Title 23A;

(2) Determine that there is no merit to prosecuting the case. Upon doing so, the state's attorney shall send a copy of the complaint and any investigation file to the attorney general. The attorney general shall use the information for statistical purposes and may publish abstracts of such information, including the name of the government body involved for purposes of public education; or

(3) Send the complaint and any investigation file to the South Dakota Open Meetings Commission for further action.

1-25-6.1. DUTY OF STATE'S ATTORNEY (COUNTY COMMISSION ISSUES). If a complaint alleges a violation of this chapter by a board of county commissioners, the state's attorney shall take one of the following actions:

(1) Prosecute the case pursuant to Title 23A;

(2) Determine that there is no merit to prosecuting the case. The attorney general shall use the information for statistical purposes and may publish abstracts of the information as provided by § 1-25-6;

(3) Send the complaint and any investigation file to the South Dakota Open Meetings Commission for further action; or

(4) Refer the complaint to another state's attorney or to the attorney general for action pursuant to § 1-25-6.

1-25-7. REFERRAL TO OMC. Upon receiving a referral from a state's attorney or the attorney general, the South Dakota Open Meetings Commission shall examine the complaint and investigatory file submitted by the state's attorney or the attorney general and shall also consider signed written submissions by the persons or entities that are directly involved. Based on the investigatory file submitted by the state's attorney or the attorney general and any written responses, the commission shall issue a written determination on whether the conduct violates this chapter, including a statement

PERTINENT S.D. OPEN MEETINGS STATUTES

(other specific provisions may apply depending on the public body involved)

1-25-1. OPEN MEETINGS.

An official meeting of a public body is open to the public unless a specific law is cited by the public body to close the official meeting to the public.

It is not an official meeting of one public body if its members provide information or attend the official meeting of another public body for which the notice requirements of § 1-25-11 or 1-25-13 have been met. It is not an official meeting of a public body if its members attend a press conference called by a representative of the public body.

For any event hosted by a nongovernmental entity to which a quorum of the public body is invited and public policy may be discussed, but the public body does not control the agenda, the public body may post a public notice of a quorum, in lieu of an agenda. The notice of a quorum must meet the posting requirements of § 1-25-11 or 1-25-13 and must contain, at a minimum, the date, time, and location of the event.

The public body shall reserve at every official meeting a period for public comment, limited at the public body's discretion as to the time allowed for each topic and the total time allowed for public comment, but not so limited as to provide for no public comment.

Public comment is not required at an official meeting held solely for the purpose of meeting in executive session, an inauguration, presentation of an annual report to the public body, or swearing in of a newly elected official, regardless of whether the activity takes place at the time and place usually reserved for an official meeting.

If a quorum of township supervisors, road district trustees, or trustees for a municipality of the third class meets solely for purposes of implementing previously publicly adopted policy, carrying out ministerial functions of that township, district, or municipality; or undertaking a factual investigation of conditions related to public safety; the meeting is not subject to the provisions of this chapter.

1-25-11. PUBLIC NOTICE OF POLITICAL SUBDIVISIONS. Each political subdivision shall provide public notice, with proposed agenda, that is visible, readable, and accessible for at least an entire, continuous twenty-four hours immediately preceding any official meeting, by posting a copy of the notice, visible to the public, at the principal office of the political subdivision holding the meeting. The proposed agenda shall include the date, time, and location of the meeting. The notice shall also be posted on the political subdivision's website upon dissemination of the notice, if a website exists. For any special or rescheduled meeting, the information in the notice shall be delivered in person, by mail, by email, or by telephone, to members of the local news media who have requested notice. For any

special or rescheduled meeting, each political subdivision shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit. A violation of this section is a Class 2 misdemeanor.

1-25-13. PUBLIC NOTICE OF STATE. The state shall provide public notice of a meeting, at least seventy-two hours before the meeting is scheduled to start, not including Saturday, Sunday, or any legal holiday, by posting a copy of the proposed agenda:

- (1) At the principal office of the board, commission, or department holding the meeting;
- (2) That includes the date, time, and location of the meeting;
- (3) That is visible, readable, and accessible to the public; and
- (4) On a state website, designated by the commissioner of the Bureau of Finance and Management.

For any special or rescheduled meeting, the information in the notice must be delivered in person, or by mail, email, or telephone, to members of the local news media who have requested notice. The state shall also comply with all other requirements of this section, for a special or rescheduled meeting, as circumstances permit. A violation of this section is a Class 2 misdemeanor.

1-25-15. TELECONFERENCE MEETING. Any official meeting may be conducted by teleconference. A teleconference may be used to conduct a hearing or take final disposition regarding an administrative rule pursuant to § 1-26-4. A member is deemed present if the member answers present to the roll call conducted by teleconference for the purpose of determining a quorum. Each vote at an official meeting held by teleconference may be taken by voice vote. If any member votes in the negative, the vote shall proceed to a roll call vote.

1-25-16. TELECONFERENCE PARTICIPATION. At any official meeting conducted by teleconference, there shall be provided one or more places at which the public may listen to and participate in the teleconference meeting. For any official meeting held by teleconference, that has less than a quorum of the members of the public body participating in the meeting who are present at the location open to the public, arrangements shall be provided for the public to listen to the meeting via telephone or internet. The requirement to provide one or more places for the public to listen to the teleconference does not apply to official meetings closed to the public pursuant to specific law.

1-25-17. AGENDA DETAILS ARE REQUIRED. A proposed agenda, as required by § 1-25-11 or 1-25-13, must list all items to be considered by a public body during any official meeting. The proposed agenda items must be described in sufficient detail to reasonably inform the public of any official

sd.gov and at their principal place of business at least 72 continuous hours before a meeting is scheduled to start (this does not include any weekend or legal holiday).

Q: WHO ARE LOCAL NEWS MEDIA?

A: There is no definition of "local news media" in SDCL ch. 1-25. "News media" is defined in SDCL 13-1-57 generally as those personnel of a newspaper, periodical, news service, radio station, or television station regardless of the medium through which their content is delivered. The Attorney General is of the opinion that "local news media" is all news media – broadcast and print – that regularly carry news to the community.

Q: IS A PUBLIC COMMENT PERIOD REQUIRED AT PUBLIC MEETINGS?

A: Yes. Public bodies are required to provide at every official meeting a period of time on their agenda for public comment. SDCL 1-25-1. Each public body has the discretion to limit public comment as to the time allowed for each topic commented on, and as to the total time allowed for public comment. Public comment is not required at meetings held solely for an executive session, inauguration, presentation of an annual report, or swearing in of elected officials.

Q: CAN PUBLIC MEETINGS BE RECORDED?

A: Yes. SDCL 1-25-11 requires public bodies to allow recording (audio or video) of their meetings if the recording is reasonable, obvious, and not disruptive. This requirement does not apply to those portions of a meeting confidential or closed to the public.

Q: WHEN CAN A MEETING BE CLOSED TO THE PUBLIC AND MEDIA?

A: SDCL 1-25-2 allows a public body to close a meeting for the following purposes: 1) to discuss personnel issues pertaining to officers or employees; 2) consideration of the performance or discipline of a student, or the student's participation in interscholastic activities; 3)

consulting with legal counsel, or reviewing communications from legal counsel about proposed or pending litigation or contractual matters; 4) employee contract negotiations; 5) to discuss marketing or pricing strategies of a publicly-owned competitive business; or 6) to discuss information related to the protection of public or private property such as emergency management response plans or other public safety information. The statute also recognizes that executive session may be appropriate to comport with other laws that require confidentiality or permit executive or closed meetings. Federal law pertaining to students and medical records will also cause school districts and other entities to conduct executive sessions or conduct meetings to refrain from releasing confidential information. Meetings may also be closed by cities and counties for certain economic development matters. SDCL 9-34-19.

Note that SDCL 1-25-2 and SDCL 9-34-19 do not require meetings be closed in any of these circumstances.

Any official action based on discussions in executive session must, however, be made at an open meeting.

Q: WHAT IS THE PROPER PROCEDURE FOR EXECUTIVE SESSIONS?

A: A motion to enter executive session must be made and seconded, followed by a vote. If the motion does not receive a majority vote, a roll call vote is required. Both the motion and the resulting vote must be recorded in the minutes of the proceedings.

Q: WHAT MUST BE STATED IN A MOTION FOR EXECUTIVE SESSION?

A: Motions for executive sessions must refer to the specific state or federal law allowing for the executive session i.e. "pursuant to SDCL 1-25-2(3)." Also, best practice to avoid public confusion would be that public bodies explain the reason for going into executive session. For example, the motion might state "motion to go into executive session pursuant to SDCL 1-25-2(1) for the purposes of discussing a personnel matter," or "motion to go into executive session pursuant to SDCL 1-25-2(3) for

the purposes of consulting with legal counsel.”

Discussion in the executive session must be strictly limited to the announced subject. No official votes may be taken on any matter during an executive session. The public body must return to open session before any official action can be taken.

Q: WHAT HAPPENS IF THE MEDIA OR PUBLIC IS IMPROPERLY EXCLUDED FROM A MEETING OR OTHER VIOLATIONS OF THE OPEN MEETING LAWS OCCUR?

A: Excluding the media or public from a meeting that has not been properly closed subjects the public body or the members involved to: (a) prosecution as a Class 2 misdemeanor punishable by a maximum sentence of 30 days in jail, a \$500 fine or both; or (b) a reprimand by the Open Meeting Commission (“OMC”). The same penalties apply if the agenda for the meeting is not properly posted, or other open meeting violations occur.

Also, action taken during any meeting that is not open or has not been properly noticed could, if challenged, be declared null and void.

Q: HOW ARE ISSUES REFERRED TO THE OPEN MEETINGS COMMISSION (“OMC”)?

A: Persons alleging violations of the open meetings laws must make their complaints with law enforcement officials in the county where the offense occurred. After a signed and notarized complaint is made under oath, and any necessary investigation is conducted, the State’s Attorney may: (a) prosecute the case as a misdemeanor; (b) find that the matter has no merits and file a report with the Attorney General for statistical purposes; or (c) forward the complaint to the OMC for a determination. The OMC is comprised of five State’s Attorneys or Deputy State’s Attorneys appointed by the Attorney General. The OMC examines whether a violation has occurred and makes written public findings explaining its reasons. If you have questions on the procedures or status of a pending case, you may contact the Attorney General’s

Office at 605-773-3215 to talk to an assistant for the OMC. Procedures for the OMC are posted on the website for the Office of Attorney General. <http://atg.sd.gov/>.

Q: WHAT DOES THE TERM “SOVEREIGN POWER” MEAN?

A: The open meetings laws do not define this term, but it generally means the power to levy taxes, impose penalties, make special assessments, create ordinances, abate nuisances, regulate the conduct of others, or perform other traditional government functions. The term may include the exercise of many other governmental functions. If an entity is unclear whether it is exercising “sovereign power” it should consult with legal counsel.

Q: MAY AGENDA ITEMS BE CONSIDERED IF THEY ARE ADDED LESS THAN 24 HOURS BEFORE A MEETING?

A: Proposed agendas for public meetings must be posted at least 24 hours in advance of the meeting. The purpose of providing advance notice of the topics to be discussed at a meeting is to provide information to interested members of the public concerning the governing body’s anticipated business. Typically, the public body adopts the final agenda upon convening the meeting. At the time the final agenda is adopted, the governing body may add or delete agenda items and may also change the order of business. See *In re Yankton County Commission, Open Meetings Commission Decision # 20-03*, December 31, 2020. New items cannot be added after the agenda has been adopted by the governing body.

Public bodies are strongly encouraged to provide at least 24 hours’ notice of all agenda items so as to be fair to the public and to avoid dispute. For special or rescheduled meetings, public bodies are to comply to the extent circumstances permit. In other words, posting less than 24 hours in advance may be permissible in emergencies.

Q: ARE EMAIL DISCUSSIONS “MEETINGS” FOR PURPOSES OF THE OPEN MEETINGS LAWS?

A: The definition of an “official meeting” in SDCL 1-25-12(f) specifically includes meetings conducted by “electronic means, including electronic mail, instant messaging, social media, text message, or virtual meeting platform[.]” A quorum of a public body that discusses official business of that body via electronic means is conducting an official meeting for purposes of the open meetings laws. Electronic communications made solely for scheduling purposes do not fall within the definition of an official meeting.

Q: WHAT RECORDS MUST BE AVAILABLE TO THE PUBLIC IN CONJUNCTION WITH PUBLIC MEETINGS?

A: SDCL 1-25-14 requires state boards, commissions, or departments to make public meeting materials available on <http://boardsandcommissions.sd.gov>. SDCL 1-27-116 requires that any other public body must post meeting materials on the public body’s website or make those materials available to the public at least twenty-four hours prior to the hearing or when made available to the members of the public body, whichever is later. Finally, SDCL 1-27-117 requires that draft minutes of public meetings must be made available to the public at the principal place of business for the public body within 10 business days after the meeting (or any audio and visual recording must be made available on the website for the public body within five business days).

These laws are in addition to any specific requirements for public bodies (i.e., pertaining to cities, counties, or school districts). Enforcement of public records laws contained in SDCL Ch. 1-27 are handled by separate procedures found in SDCL 1-27-35, et. seq. rather than the open meeting procedures described above. Violations of SDCL 1-27-116 and 1-27-117 are also Class 2 misdemeanors.

Q: WHAT REQUIREMENTS APPLY TO TASK FORCES, COMMITTEES AND WORKING GROUPS?

A: Task forces and committees that exercise “sovereign power,” and are created by statute, ordinance, or proclamation are required to comply with the open meetings laws. SDCL 1-25-12(f). Task forces, committees, and working groups that are not created by statute, ordinance, or proclamation, or are advisory only, may not be subject to the open meetings laws, but are encouraged to comply to the extent possible when public matters are discussed. Ultimately, if such advisory task forces, committees and working groups present any reports or recommendations to public bodies, the public bodies must wait until the next meeting (or later) before taking final action on the recommendations. SDCL 1-27-118.

Q: ARE PUBLIC BODIES REQUIRED TO REVIEW THE OPEN MEETINGS LAWS?

A: Public bodies must annually review an explanation of the open meetings laws provided by the Attorney General, along with any other material pertaining to the open meetings laws made available by the Attorney General. SDCL 1-25-13. Each public body must report in its minutes that the annual review of the open meetings laws was completed.

Deadwood Licensing Matters

Key License Approvals:

Kjerulf Hastings
Bernd Oswald
Diallo Gordon

Gaming Property Owners License:

April Gustafson
Michael Gustafson, Jr.

Associated Equipment Manufacturer / Distributor

SCA Entertainment, LP DBA SCA Gaming - ARSD 20:18:07:01 discussion



SOUTH DAKOTA COMMISSION ON GAMING
120 Industrial Drive, Suite 1 • Spearfish, SD 57783
(605) 578-3074 • dor.sd.gov/gaming

MEMORANDUM

DATE: 06/30/2026
TO: South Dakota Commission on Gaming
FROM: Brandon Snyder
SUBJECT: Kjerulf David Hastings Ainsworth/15164-26-KY

Name of Gaming Business associated with:

The applicant is currently the largest minority shareholder in Ainsworth Game Technology.

Ainsworth Game Technology is currently licensed in South Dakota as a Manufacturer and has been since 2020.

Past Employment:

Applicant worked at Aristocrat Leisure Pty. Ltd. as a Trainee from 1993 to 1994. Other than that, he has never been employed. He is the son of the founder of Aristocrat Leisure.

Concerns: None

Recommendations: As a result of this background investigation, it is Recommended that Kjerulf Ainsworth be approved as a Key Licensee for his position with Aristocrat.



SOUTH DAKOTA COMMISSION ON GAMING

120 Industrial Drive, Suite 1 • Spearfish, SD 57783
(605) 578-3074 • dor.sd.gov/gaming

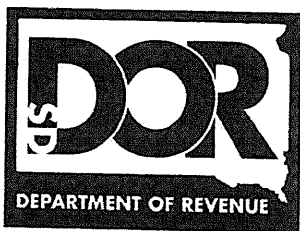
MEMORANDUM

DATE: August 11, 2026
TO: South Dakota Commission on Gaming
FROM: S/A Angela Wilkerson
SUBJECT: Bernd A. Oswald

Bernd Oswald is a Managing Director with Novo Invest GmbH based out of Austria. Oswald is applying for licensure with the South Dakota Commission on Gaming (SDCG) due to his position with Novo Invest GmbH which conducts business in South Dakota.

Oswald has held gaming licenses in at least six countries, including the United States. He holds licenses in many state and tribal gaming jurisdictions around the U.S. and currently has applications pending in others. He has no known disciplinary actions against any license.

Recommendation: Recommendation as a result of this background investigation is that Bernd A. Oswald be **approved** for licensure with the SDCG due to his association with Novo Invest GmbH. No information was found during the course of this investigation that would preclude this applicant from licensure.



SOUTH DAKOTA COMMISSION ON GAMING

120 Industrial Drive Suite 1 • Spearfish, SD 57783
(605) 578-3074 • dor.sd.gov/gaming

MEMORANDUM

DATE: August 27th, 2026
TO: South Dakota Commission on Gaming
FROM: S/A John Cargill
SUBJECT: Diallo Gordon / 15222-26-KY

Name of Gaming Business associated with:

The applicant is seeking licensure because he is the CEO of Pavilion Payments. Pavilion Payments provides casino management, regulated payments, and financial services.

Past Employment:

The applicant is currently the CEO of Pavilion Payments. He was the CEO/CPO of Passport Technology, Inc.; the President and CEO of Phi Gaming LLC; and the President and owner of The Gordon Gaming Group, LLC. Currently, Diallo holds gaming licenses in several jurisdictions around the United States.

Concerns: None

Recommendations: As a result of this background investigation, it is recommended that Diallo Gordon be approved as a Key Licensee with Pavilion Payments Gaming Services, Inc.



SOUTH DAKOTA COMMISSION ON GAMING

120 Industrial Drive, Suite 1 • Spearfish, SD 57783

(605) 578-3074 • dor.sd.gov/gaming

MEMORANDUM

DATE: August 31, 2026
TO: South Dakota Commission on Gaming
FROM: Brandon Snyder
SUBJECT: April Gustafson

License # 15430-PO

Name of Gaming Business:

April is an owner of property that First Gold Hotel and Casino operates in. April is attempting to obtain a gaming property owners license.

Concerns: None

Recommendations: As a result of this background investigation, it is recommended that April Gustafson be approved for a Gaming Property Owners License.



SOUTH DAKOTA COMMISSION ON GAMING

120 Industrial Drive, Suite 1 • Spearfish, SD 57783

(605) 578-3074 • dor.sd.gov/gaming

MEMORANDUM

DATE: August 31, 2026
TO: South Dakota Commission on Gaming
FROM: Brandon Snyder
SUBJECT: Michael Gustafson, Jr.

License # 15431-PO

Name of Gaming Business:

Michael is an owner of property that First Gold Hotel and Casino operates in. Michael is attempting to obtain a gaming property owners license.

Concerns: None

Recommendations: As a result of this background investigation, it is recommended Michael Gustafson, Jr. be approved for a Gaming Property Owners License.

20:18:07:01. Approval.

The commission may approve an application that meets all requirements, including the background investigation. The commission may approve a temporary license pending an application for a permanent license and pending the background investigation. The executive secretary may approve or deny applications for support licenses.

Source: 16 SDR 57, effective October 1, 1989; 16 SDR 233, effective July 1, 1990; 59 SDR 145, effective June 11, 2024.

General Authority: SDCL 42-7B-7.

Law Implemented: SDCL 42-7B-1, 42-7B-2, 42-7B-2.1, 42-7B-3, 42-7B-7, 42-7B-11, 42-7B-18, 42-7B-19, 42-7B-20, 42-7B-21, 42-7B-22, 42-7B-24, 42-7B-25, 42-7B-27.

Cross-References:

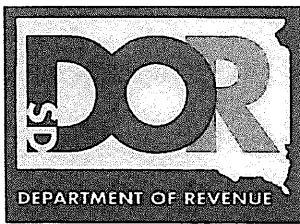
Applications, § 20:18:06:01.

Application fee and form, SDCL 42-7B-21.

Qualifications for license as operator, gaming property owner, retailer, or provider, SDCL 42-7B-25.

Employee support license--Qualifications, SDCL 42-7B-27.

Person involved as a manufacturer, distributor, operator, retailer, gaming property owner, provider, key employee, or support licensee--Qualifications, SDCL 42-7B-33.



SOUTH DAKOTA COMMISSION ON GAMING

87 Sherman Street • Deadwood, SD 57732
(605) 578-3074 • dor.sd.gov/gaming

MEMORANDUM

DATE: September 8, 2026
TO: South Dakota Commission on Gaming
FROM: Mark Heltzel

SUBJECT: ARSD 20:18:07:01 – SCA Entertainment, LP dba SCA Gaming. Associated Equipment Manufacturer / Distributor.

SCA Gaming offers a wide range of casino and digital promotions, including interactive game shows, prize wheels, mobile campaigns, and loyalty programs with extensive prize coverage up to \$5,000,000.

SCA is in the process of submitted their application for an Associated Equipment Manufacturer / Distributor license.

SCA is currently licensed in Arizona, Connecticut and Iowa. They also operate in the following states but are only required to register with the gaming commissions: New Jersey, Nevada, Michigan, Florida, Oregon and Pennsylvania. The organization states they have never received a complaint in the jurisdictions they are licensed.

Concerns: Unknown

Recommendations: Discussion of temporary until background can be completed