

IOWA RACING AND GAMING COMMISSION  
6200 PARK AVENUE, SUITE 100  
DES MOINES, IOWA 50321

PETITION BY RIVERSIDE CASINO AND  
GOLF RESORT, LLC AND  
WASHINGTON COUNTY RIVERBOAT  
FOUNDATION, INC.

FOR DECLARATORY ORDER

THAT THE IOWA RACING AND  
GAMING COMMISSION LACKS  
AUTHORITY TO ISSUE A GAMBLING  
GAMES LICENSE IN LINN COUNTY  
UNDER IOWA CODE SECTION 99F.7(11)

**PETITION FOR INTERVENTION OF  
CEDAR RAPIDS DEVELOPMENT  
GROUP, LLC AND LINN COUNTY  
GAMING ASSOCIATION, INC.**

COME NOW, Cedar Rapids Development Group, LLC (“CRDG”) and Linn County Gaming Association, Inc. (“LCGA”), by and through the undersigned counsel, and hereby petition the Iowa Racing and Gaming Commission (“Commission”) to intervene in the pending petition for declaratory order filed by Riverside Casino and Golf Resort, LLC and Washington County Riverboat Foundation, Inc. (collectively “Riverside”) and request the Commission refuse to issue a declaratory order for the reason that the Petition for Declaratory order is improper under Iowa Code § 17A.9 and Iowa Administrative Code rules 491-2.19(17a) and 491-2.20(17a). CRDG and LCGA further request the Commission refuse to issue a declaratory order pursuant to Iowa Admin. Code rule 491-2.28(17a). A brief in support of CRDG and LCGA’s Petition for Intervention will be filed in accordance with a briefing schedule to be set by the Commission.

**1. Facts Supporting the Intervenor’s Standing and Qualifications for Intervention**

In 2024, CRDG and LCGA submitted an application to the Commission for approval to establish a gaming structure and conduct gambling games in Linn County. CRDG and LCGA are

the sole and only applicants. The application is pending. The Commission is scheduled to consider the application on February 6, 2025.

On November 8, 2024, Riverside filed a petition for declaratory order, challenging the power of the Commission. The petition seeks the Commission enter an order on itself, namely, that the Commission declare it lacks authority to issue approval of gambling games in Linn County.

CRDG and LCGA's pending application provides the standing and qualifications for this petition for intervention, as required by Iowa Admin. Code rule 491-2.19(17a).

Riverside, however, cannot establish the necessary standing for their declaratory order petition. The Riverside petition is legally defective. Moreover, the Riverside petition is a corruption of the administrative process for declaratory orders and contrary to the function, purpose, and appropriate scope of a declaratory order under the Iowa Administrative Code and the Commission rules. Riverside's call for a stay, as part of the declaratory order request (now denied), further reveals the improper nature of the petition.

Multiple grounds exist for the Commission to deny the declaratory order petition under the Iowa Administrative Code and the Rules of the Commission.

CRDG and LCGA urge the Commission to refuse to issue a declaratory order.

**2. A Citation and the Relevant Language of Any Additional Statutes, Rules, or Orders and Any Other Additional, Relevant Law.**

CRDG and LCGA will submit, in accordance with a schedule to be set by the Commission, a comprehensive brief in support of their position addressing the relevant statutes, rules, and law which will plainly rebut the claims of Riverside. In the meantime, CRDG and LCGA cite the following:

- Iowa Code § 99F.7(11) provides the Commission with authority to issue a license to conduct gambling games.
- Iowa Code § 17A.9 governs the authority of agencies, such as the Commission, regarding declaratory orders.
- IAC 491-2.19(17a) – 2.31(17a) address declaratory orders for the Commission.
- Iowa Code § 17A.9(1)(a) provides, “[a]ny person may petition an agency for a declaratory order as to the applicability to a specified circumstance of a statute, rule, or order within the primary jurisdiction of the agency.”
- IAC 491-2.19(17a) states, in part, “Petitioners for a declaratory order must have a real and direct interest in a specific fact situation that may affect their legal rights.”
- IAC 491-2.19. A petition for a declaratory order must articulate a real and direct interest in a specific fact situation that may affect their legal rights, duties, or responsibilities under statutes or regulations administered by the Commission.
- IAC 491-2.28(17a) sets out the Commission rules for when it may refuse to issue a declaratory order.
- Iowa Code §§ 57.1(1)(b), 57.6, and 62.5(1) govern election challenges.
- § 57.1(1)(b) defines the requirements for standing to bring such a contest against the outcome of a public measure.
- Iowa case law confirms the opportunity to contest an election acquired by statute, and challenges must strictly comply with the statutory provisions necessary to confer jurisdiction.

**3. The Answers to the Original Summary of the Reasons Urged by the Intervenor in Support of Those Answers.**

The Commission has authority under Iowa Code section 99F.7(11) to issue a license to establish a gambling structure and conduct gambling games in Linn County per the ballot measures approved and the process and timeline published on the Commission website. Nevertheless, the Commission may refuse to issue an order answering the question set out by Riverside.

**4. Reasons for Requesting Intervention and Disclosure of the Intervenor's Interest in the Outcome.**

CRGA and LCGA have an interest in ensuring that their application is given due consideration and review under the appropriate criteria afforded applicants under Iowa Code Chapter 99F. A determination of Riverside's petition for declaratory order request may impact the Commission's consideration of the application submitted by CRGA and LCGA.

**5. Current and Other Proceedings.**

The application by CRDG and LCGA for approval to establish a gambling structure and conduct gambling games in Linn County is pending before the Commission. Beyond this application, CRDG and LCGA are not currently a party to any proceeding involving the questions at issue.

**6. Additional Persons Known to Be Interested.**

Linn County Board of Supervisors  
Public Service Center  
935 Second Street SW  
Cedar Rapids, IA 52404

Pursuant to Iowa Code § 99F.7(11), the Linn County Board of Supervisors submitted Public Measure G to the Linn County Electorate for vote on November 2, 2021. Public Measure G was in compliance and substantial compliance with the law, accordingly the results of the vote

were certified by the Linn County Board of Supervisors on November 9, 2021. The certification established Public Measure G passed by a majority vote. Upon the expiration of the statutory deadline for contesting an election on November 29, 2021, the passage of Public Measure G became final. No statutory basis exists for Riverside to now challenge the result, nor is there any basis for the Commission to alter the results certified by the Board of Supervisors.

**7. Whether the Intervenor Consents to be Bound by the Determination of the Matters Presented in the Declaratory Order Proceeding.**

Yes.

**Statement as to Communications**

In accordance with Iowa Admin. Code rule 491-2.22, all future communications concerning the petition should be directed to the undersigned counsel, as Intervenor's representatives, at Grefe & Sidney, P.L.C., 500 East Court Avenue, Suite 200, Des Moines, IA 50306, telephone: 515-245-4300 and Shuttleworth & Ingersoll, P.L.C., 235 6th Street SE, Cedar Rapids, IA 52401, telephone: 319-365-9461.

**INTERVENORS:**

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Respectfully submitted,

GREFE & SIDNEY, P.L.C.

Date: December 6, 2024

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