

BEFORE THE IOWA RACING & GAMING COMMISSION

| | |
|------------------------------------|--------------------------|
| PETITION BY RIVERSIDE CASINO AND) | |
| GOLF RESORT, LLC; and WASHINGTON) | |
| COUNTY RIVERBOAT FOUNDATION,) | |
| INC.) | |
|) | DECLARATORY ORDER |
| FOR A DECLARATORY ORDER) | SCHEDULE |
|) | and |
| REGARDING IOWA CODE) | ORDER GRANTING |
| § 99F.7(11)) | INTERVENTION |

On November 8, 2024, Petitioners Riverside Casino and Golf Resort, LLC and Washington County Riverboat Foundation, Inc. (together, Petitioners) filed a petition for declaratory order with the Iowa Racing and Gaming Commission. The petition sought:

1. A declaration by the Commission that the Commission lacks authority to issue any license to conduct gambling games or operate a gambling structure in Linn County, because according to Petitioners, the 2021 referendum held in Linn County that addressed the conduct of gambling games in the county did not strictly comply with Iowa Code section 99F.7(11)(d)–(e).
2. A stay of the Commission’s consideration of any license application for a proposed gambling structure in Linn County while the petition for declaratory order is pending.

At its public meeting on November 21, 2024, the Commission voted unanimously to deny the request for stay but directed the Administrator to issue a schedule for further proceedings after the time for intervention passed. The time for intervention passed on December 9, 2024. The Commission received a timely petition to intervene from Cedar Rapids Development Group, LLC (CRDG), jointly with Linn County Gaming Association, Inc. (LCGA) (together, Intervenors).

The petition to intervene is granted. In accordance with the Commission's order dated November 26, 2024, and after consultation with Petitioners and Intervenors, the Administrator now sets the following schedule.

SCHEDULE

The schedule is summarized in the table below and described in more detail in the text of this order. Petitioners and Intervenors each agreed to this schedule after multiple rounds of productive negotiation and discussion between Commission staff and the respective participants. Commission staff attempted in good faith to set a schedule that will resolve the declaratory order proceeding in a reasonably expeditious timeframe.

The below table summarizes the schedule and, for comparison, sets forth the timeline the Commission followed in resolving declaratory order proceedings on two separate occasions in 2014 and 2015. The agreed-upon schedule in this matter is generally consistent with the timeline from each of those previous declaratory order proceedings.

| | ITBOA | Kopeccky | Riverside Casino & WCRF |
|-----------------------|---------------------------------------------|--------------------------------------------|---------------------------------------------------------------------|
| Petition received | 11/12/14 | 3/9/15 | 11/8/24 |
| Intervention occurred | 12/3/14 and 12/12/14 | 4/9/15 | 12/6/24 |
| Briefing deadline(s) | 1/5/15 | 5/20/15 | 1/8/25 and 1/16/25 |
| Informal meeting | 1/16/15 | 5/21/15 | 11/20/24 |
| Oral argument | 1/22/15 (regular meeting) | 6/4/15 (regular meeting) | 1/23/25 (regular meeting) |
| Decision | Verbal vote 1/22/15, written order followed | Verbal vote 6/4/15, written order followed | Verbal vote will occur on 1/23; written decision no later than 1/27 |

Additional details about the schedule, and other applicable parameters, are set forth below.

A. *Briefs.* Under Iowa Administrative Code rule 491—2.23, petitioners and intervenors may file a brief in support of the position urged. Petitioners submitted a substantive brief alongside their petition. Intervenors set forth some provisions of law on which they rely and indicated they will file a more comprehensive brief according to the established schedule.

Intervenors may file a substantive brief by **January 8, 2025**. Petitioners may then file a reply brief by **January 16, 2025**. The Commission will also consider Petitioners' initial brief filed alongside the petition. Filing requirements are set forth in Iowa Administrative Code rule 491—2.25. As rule 491—2.25 indicates, a party filing a document with the Commission is responsible for service on all other parties and intervenors.

Participants are encouraged to address at least the following specific questions in their respective briefs:

1. Should the Commission decline to issue any order under Iowa Code section 17A.9(1)(b)(1) and one or more of the grounds set forth in Iowa Administrative Code rule 491—2.28? If not, why should the Commission exercise its discretion to reach the substantive question?
2. The petition asserts the Linn County Board of Supervisors adopted a resolution placing legally defective language on the county ballot in 2021. Neither the Board, nor the County more generally, have intervened in the declaratory order proceedings. Does the lack of intervention from the Board or County mean the Commission is prohibited from issuing a declaratory order under Iowa Code section 17A.9(1)(b)(2)?

3. Is strict compliance with Iowa Code section 99F.7(11) required, or is substantial compliance sufficient?

B. *Informal meeting.* Petitioners requested an informal meeting under Iowa Administrative Code rule 491—2.26. An informal meeting took place on November 20, 2024, at the Hotel at Kirkwood Center in Cedar Rapids, Iowa. The informal meeting included counsel for Petitioners, counsel for CRDG, Commission staff, and the Commission chair and vice chair. In setting this subsequent schedule, Commission staff inquired whether any participant requested another informal meeting that would take place after briefs are submitted, but before oral argument occurs. Petitioners and Intervenors each indicated they did not request another informal meeting but would attend if any other participant requests one.

C. *Oral presentation.* The Commission will hear oral presentations from Petitioners and Intervenors at the Commission meeting on **January 23, 2025**, at Wild Rose Casino & Resort, 777 Wild Rose Dr., Jefferson, IA 50129. The oral presentations will appear as an agenda item on the Commission's agenda for the January 23 meeting.

Petitioners will have 10 minutes to present; Intervenors will have 10 minutes to present; and Petitioners will have 5 minutes for any rebuttal they wish to present. Multiple presenters may address the Commission in each window, but the two Petitioners and two Intervenors are responsible for dividing time among themselves.

D. *Decision date.* The Commission will vote orally on a resolution of the petition following the parties' oral presentation and following any deliberations the

Commission conducts. The Commission will then issue a written decision no later than January 27, 2025.

Dated: 12-17-2024



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Iowa Racing & Gaming Commission

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